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ABSTRACT

This document presents the following eight-component framework of the Commission on Chapter 1 for restructuring the Chapter 1 program: (1) have states set clear, high standards for all students; (2) devise new systems for schools to assess progress toward standards; (3) inform parents about how well their children are progressing toward standards and how they can help; (4) invest heavily in teachers, principals, and other adults in schools so that all students meet standards; (5) match funding to need, and assure equity; (6) replace accounting for dollars with accountability for results; (7) integrate health and social service support in schools and school districts for Chapter 1 families; and (8) have states reward schools that progress and change those that do not progress. Part 1 discusses issues and rationale for the recommendations. Part 2 summarizes the proposed Chapter 1 framework based on the eight components. Part 3 presents the Chapter 1 framework and commentary. Included in both Parts 2 and 3 are the following parameters: congressional findings and mission; standards; eligibility and fiscal requirements of local and state education agencies; help and capacity-building; parent empowerment; health and social services; assessment; enforcement (benefits and sanctions); and research, development, evaluation, and dissemination. Part 4 presents supplementary statements by Henry M. Levin, George F. Madaus, Joe Nathan, Delia Pompa, Paul Weckstein, Anne Wheelock, Robert Witherspoon, Sharon Robinson, and Bella Rosenberg, all members of the Commission on Chapter 1. (RLC)

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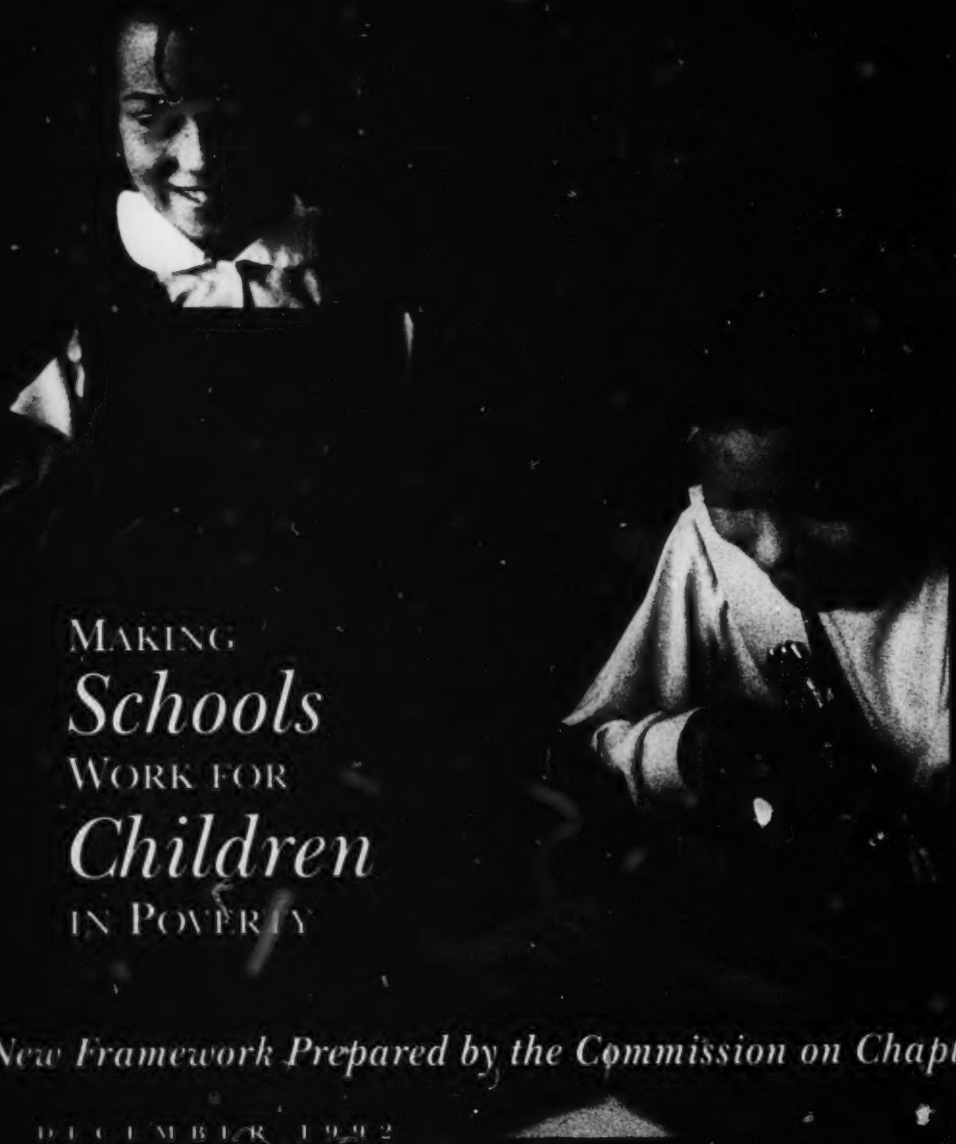

MAKING *Schools* WORK FOR *Children* IN POVERTY

A New Framework Prepared by the Commission on Chapter 1

DECEMBER 1992

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A New Framework Prepared by the Commission on Chapter 1

MAKING *Schools* WORK FOR *Children* IN POVERTY

COMMISSION ON CHAPTER 1
c/o American Association for Higher Education
One Dupont Circle, N.W., Suite 360
Washington, DC 20036

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The Commission thanks the following people for the support of our work: at the Council of Chief State School Officers, Barbara West, Administrative Assistant, and at the Law Offices of William L. Taylor: Donna Cole, Administrative Assistant; Kanani Kauka, Business Manager; Elizabeth Heller Eto, Esquire; and Barry Kazan, Alicia Glekas, Dan Claman, Law Student Interns.

**Steering Committee*

Foreword

In December 1990, 28 educators, child advocates, researchers, and other concerned individuals came together to form an independent Commission on Chapter 1. We were a diverse group, with differing kinds of experience and expertise and differing views about many issues in education. But two things bound the group together—deep concern for how well economically disadvantaged children were faring in the public schools and how well they were being served by Chapter 1 of the Elementary and Secondary Education Act of 1965, the largest program of federal assistance to the schools.*

All of the members of the Commission have been vigorous in their support for the Chapter 1 program and believe that it has contributed significantly to the gains children in poverty have made over the last two decades. But we took the difficult step of conducting a thorough reexamination of the program because of growing evidence that, whatever its contributions in the past, Chapter 1 in its current form is inadequate to meet the challenges of the 1990s and beyond.

The document that the Commission has produced as a result of this reexamination is somewhat unusual in content. The bulk of the report consists of a "statutory Framework," which is in fact a draft of a virtually complete new Chapter 1 statute, along with section-by-section explanations and commentary.**

While many groups concerned with public policy in education, health, the environment, or other areas publish reports with detailed recommendations for legislative change, the drafting by private citizens of a complex statute is a rare endeavor. So a word of explanation is in order.

When the Commission began its deliberations, a consensus rapidly emerged that our work should be founded on the conviction shared by all of us that virtually all children can learn at high levels and that establishing lesser standards and expectations for children because of their economic circumstance should not be tolerated. The challenge, we decided, was to convert Chapter 1 from a law designed to teach poor children "basic skills" to one dedicated to spurring the

* *Members of the Commission are listed on pages ii and iii. They serve in their individual capacities, and organizational titles are listed for identification purposes only. The Commission as a whole is an independent body not affiliated with any other organization. Support for the Commission's work came from the Edna McConnell Clark and John D. and Catherine T. MacArthur Foundations.*

** *It must be noted that the statutory Framework deals only with the operation of federal financial assistance to meet special needs of children in* public *schools. The Commission has not addressed the issue of how to deliver services to economically disadvantaged children who attend private and parochial schools. Nor does the Framework make any proposals regarding special needs other than the needs of economically disadvantaged children that are addressed in other parts of the Elementary and Secondary Education Act. Examples of these are programs specifically designated for migratory children, for handicapped children, for neglected and delinquent children, for limited-English-proficiency children, or for Native American children.*

Finally, the Commission believes strongly in the importance of early childhood education to the development of economically disadvantaged children and throughout this report has noted its concerns that greater investments should be made in early childhood programs. But, given the fact that federal assistance to preschool education is rendered principally through the Head Start program, we have not included any comprehensive recommendation concerning early childhood education in this Framework.

kinds of educational change that would result in children born into poverty acquiring high-level knowledge and skills. The measure of high-level knowledge is that young people emerge from school qualified for college or for skilled and productive work and prepared to participate fully in the social and political life of the Nation.

From the outset, it was clear to the Commission that this challenge would not be met simply by making cosmetic changes in Chapter 1. The statute would have to be rewritten to bring about deep change in the way whole school systems operate.

The needs for such reform can be articulated in compelling rhetoric, which is the usual way reports of this kind are written. But questions would remain: Are the reforms practical? Can they be made to work together to achieve the desired objectives? What are the tradeoffs in framing the requirements of the law in different ways?

The Commission decided that the only way to answer these questions and put our ideas to the test was to subject ourselves to the discipline that members of Congress must undergo in drafting specific legislative language. What resulted from our decision was a difficult but productive process. Beginning in June 1991, each of the sections of the statutory Framework has gone through several drafts, in some cases as many as seven or eight. As Commissioners focused on specific provisions, questions arose as to how they would actually work, by themselves or in conjunction with other provisions, and whether the conclusions and courses of actions contained in the Framework were based on the best evidence available. The process produced new insights at every review and new changes as well.

Such a process, we discovered, also has its costs. For one thing, statutory language is rarely, if ever, scintillating prose that makes for compelling reading. Few people have rushed to the barricades after reading a section of the U.S. Code. In addition, we discovered again and again that agreeing on broad principles or precepts is often a great deal easier than agreeing on the specific words that will implement the principles.

Despite these drawbacks, we believe the process has proved very worthwhile. In a few cases, Commissioners have been impelled to note dissents or differences of view on particular points. In other cases, Commissioners have decided not to note the differences they may have with particular formulations because they agree with the overall point being made. Most important, the Commission emerges from the process strengthened in its convictions about the elements of a truly reformed Chapter 1, because we believe we have put our ideas and the ideas of many others to the test.

This is not the end of our process. The Commission intends to use the next several months in give and take with many who are knowledgeable and vitally concerned about educational opportunity for all children. We expect that new insights will be gained that will be useful in the legislative process. At the same time, Congress will be initiating a hearing process that will result in the expression of a wide variety of views on Chapter 1 reform.

We do believe, however, that having had almost two years to work on the issues, we are putting forward a report that identifies the major issues and that will focus and inform discussion in an upcoming debate that will be vital to American public education and to the future of millions of children.

The Intent of the Chapter 1 Program

The purpose of Chapter 1 of Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA) is to provide financial assistance to local education agencies to meet the special needs of educationally deprived children who live in areas with high concentrations of children from low-income families. The Chapter 1 program represents the federal government's largest investment in elementary and secondary education, accounting for 19 percent of the U.S. Department of Education's total budget. In 1992, Congress appropriated $6.1 billion for basic Chapter 1 services to States and school districts. These funds serve more than 5 million children—approximately one out of every nine school-age children in the United States.

The 1988 Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments (P.L. 100-297) sought to improve the educational opportunities of educationally deprived children by helping them succeed in their regular school program, attain grade-level proficiency, and improve achievement in basic and more advanced skills. The new priorities reaffirm the purpose of Chapter 1 as set forth in the foreword of the original statute (P.L. 89-10):

> *The Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting special educational needs of educationally deprived students.*

NATIONAL ASSESSMENT OF THE CHAPTER 1 PROGRAM
Interim Report
U.S. Department of Education
June 1992

PART I

Issues and Rationale for the Commission's Recommendations

In 1983, on the release of *A Nation at Risk*, the Chairman of the National Commission on Excellence in Education summarized the Commission's central conclusion with these words:

We expected less of our young people, and they gave it to us.

Across America, heads nodded in response. These words had more than a ring of truth for millions of parents, grandparents, and other observers of contemporary education, who had watched—and worried—while a generation of young people seemed to progress through school literally without intellectual challenge.

Figure 1
Number and Percent of U S. Children Under 18 In Poverty, By Race and Hispanic Origin*, 1990 Census

United States	Number Of Children In Poverty *1990 census*	Percent Of Children In Poverty *1990 census*	Percent Increase In Poverty Rate *1980 census to 1990 census*
All races	11,428,916	18.3	14.1
White	5,876,267	12.5	13.1
African-American	3,717,128	39.8	5.2
Hispanic*	2,407,466	32.2	10.8
Asian-American	346,491	17.1	14.5
Native American	260,403	38.8	19.2

**Hispanics may be of any race.*
SOURCE: *The Challenge of Change: What the 1990 Census Tells Us About Children* 63 (Center for the Study of Social Policy, September 1992).

Left unspoken at that time, however, was an even more painful truth: that the *low* expectations in our suburban schools are *high* in comparison to expectations in urban schools and rural schools with concentrations of children in poverty. And that this absence of challenge, of rigor, is dulling the minds and dashing the hopes of millions of America's children. Our low expectations are consigning them to lives without the knowledge and skills they need to exist anywhere but on the margins of our society and consigning the rest of us to forever bear the burden of their support (see Figure 1).

That minority and low-income children often perform poorly on tests is well known. But the fact that they do so because we systematically—and willfully—expect less from them is not. Most Americans assume that the low achievement of poor and minority children is bound up in the children themselves or their families. "The children don't try." "They have no place to study." "Their parents don't care." "Their culture does not value education." These and other excuses are regularly offered up to explain the achievement gap that separates poor and minority students from other young Americans.

But these are red herrings. The fact is that we know how to educate poor and minority children of all kinds—racial, ethnic, and language—to high levels. Some teachers and some entire schools do it every day, year in and year out, with

outstanding results. But the Nation as a whole has not yet acted on that knowledge, even though we need each and every one of our young people to master high-level knowledge and skills.

Instead, to those who need the best our education system has to offer, we give the least. The least well-trained teachers. The lowest-level curriculum. The oldest books. The least instructional time. Our lowest expectations. Less, indeed, of everything that we believe makes a difference.

Of course, these children perform less well on standardized tests; the whole system conspires to teach them less. But when the results come in, we are only too happy to excuse ourselves and turn around to blame the children or their parents.

Figure 2
Chapter 1 Funding and Participation Trends, Selected Years

Year	Appropriations *(Inflation Adjusted)* Constant 1991-92 $ in Billions	Participation Millions	Chapter 1 $/ Participant Funding (1991-92 $)	(1991-92 $) Total Elementary/ Secondary $/Pupil
1979-80**	4.729	5.162	916	3,718
1980-81**	4.188	5.076	825	3,681
1982-83	3.544	4.448	797	3,853
1985-86	4.049	4.740	854	4,419
1988-89	4.330	5.047	858	4,912
1990-91	4.902			
1992-93	5.944			

***Includes both Basic and Concentration Grants.*
Source: *National Assessment of the Chapter 1 Program: Interim Report* 146 (U.S. Department of Education, June 1992).

The Role of Chapter 1

Against this backdrop of patently unequal opportunity to learn, the federal Chapter 1 program has sought to shore up the achievement of those at the bottom. Enacted in 1965, Chapter 1 was part of a powerful demand that American society live up to its ideals by extending equal opportunity to all. Since then Chapter 1 has distributed more than $70 billion to schools with concentrations of poor children to pay for extra help for students who need it. It touches one of every nine children; it influences what happens in over one-half of the schools in the country (see Figure 2).

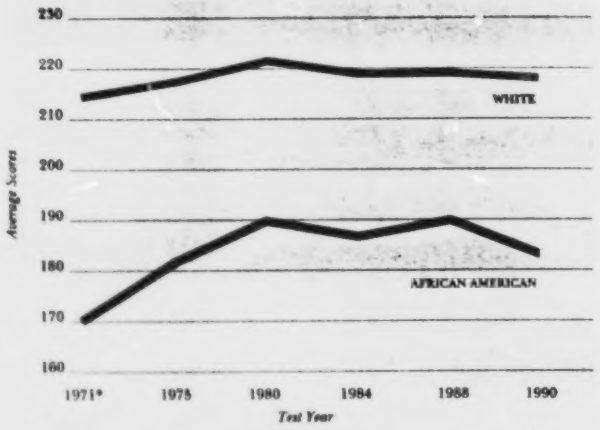
Primarily through Chapter 1 and related efforts, poor and minority children have gained considerable ground during the past 25 years. In the 1960s, such children dropped out of school at alarming rates; most didn't even master very basic skills. Today, virtually all poor and minority children master rudimentary skills, and graduation rates have increased dramatically for all but Latino students. In fact, in just 15 years, the achievement gap separating poor and minority children from other young Americans declined by nearly half, although there are ominous signs that these trends are now reversing (see Figures 3a, 3b, and 4).

But while thousands of dedicated Chapter 1 professionals and paraprofessionals were providing extra services to students who needed help mastering the basics, the rules of the game changed. Basic skills no longer count for as much as they once did. To find a secure place in the increasingly competitive and technological international economy, young people must be able to think, to analyze, and to communicate complex ideas.

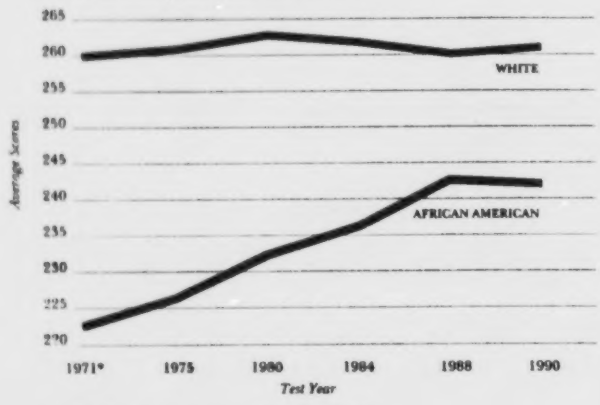
Yet these needs were at odds with the original approach of Chapter 1: catch up. Most Chapter 1 employees—indeed most educators—believed that the "basics" had to be learned prior to the "big ideas" and concepts, even though research findings clearly say such learning should be simultaneous. So, largely through pullout programs of 25-30 minutes per day, children in Chapter 1 learn and relearn discrete

Figure 3a

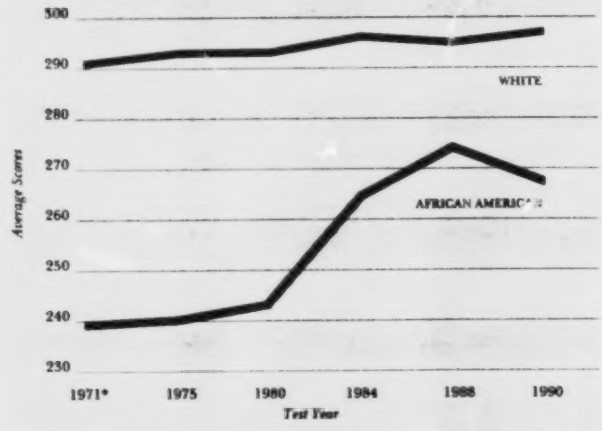
NAEP Reading Scores, 9-Year-Olds
For White and African American Students



NAEP Reading Scores, 13-Year-Olds
For White and African American Students



NAEP Reading Scores, 17-Year-Olds
For White and African American Students

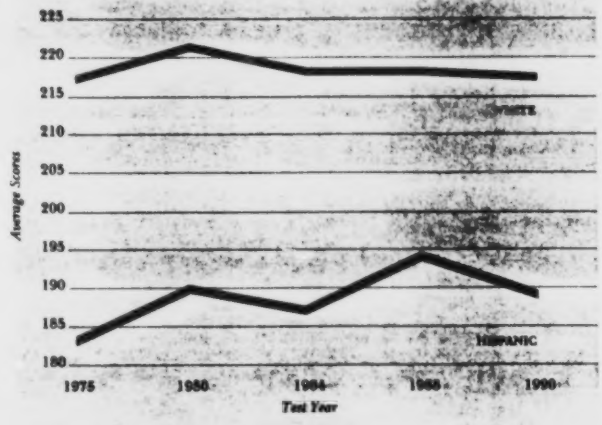


* The 1971 assessment scores for whites included scores for Hispanics; the scores for whites for the other assessments did not.

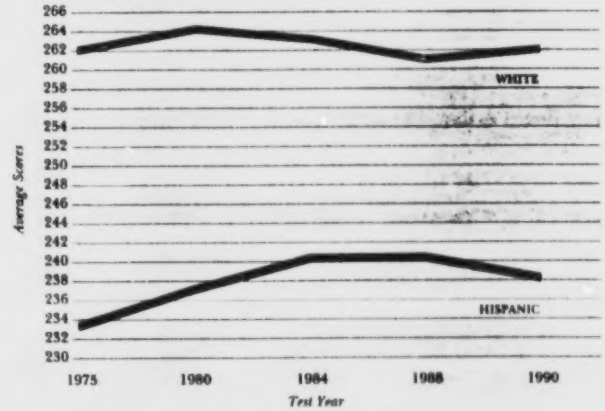
SOURCE: NCES, *Trends in Academic Progress*, 1991.

Figure 3b

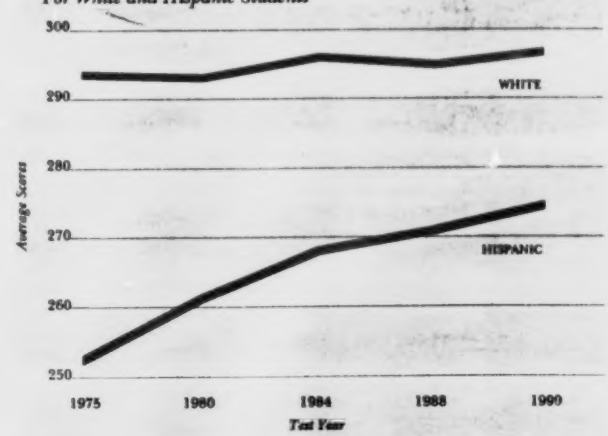
NAEP Reading Scores, 9-Year-Olds
For White and Hispanic Students



NAEP Reading Scores, 13-Year-Olds
For White and Hispanic Students



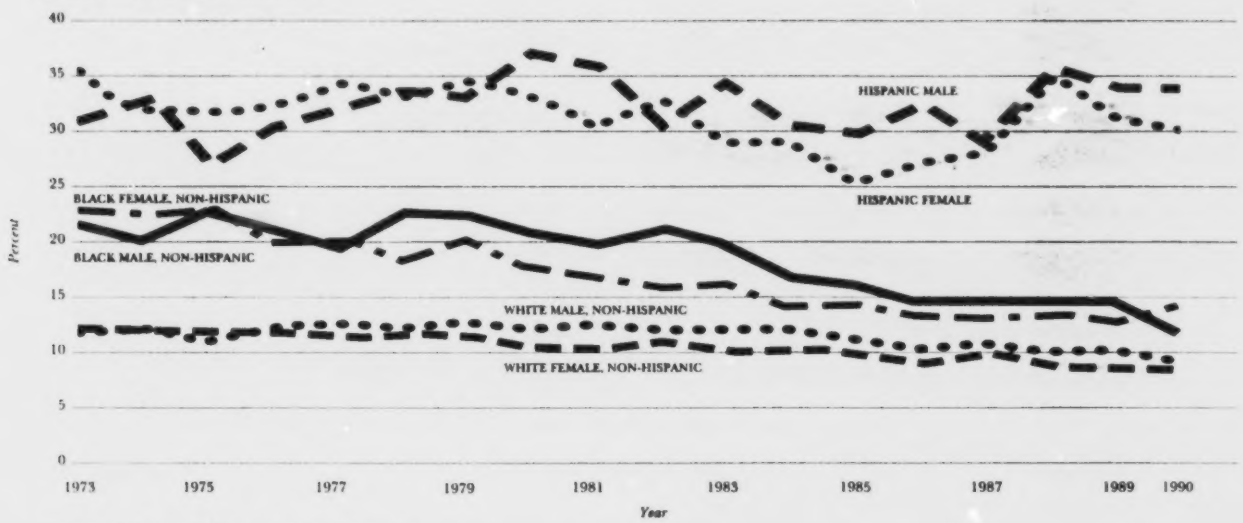
NAEP Reading Scores, 17-Year-Olds
For White and Hispanic Students



NOTE: Scores for Hispanics are not available for 1971.

SOURCE: NCES, *Trends in Academic Progress*, 1991.

Figure 4
Status Dropout Rate, Ages 16–24, by Race–Ethnicity and Sex:
October 1973 Through October 1990



SOURCE: NCES, *Dropout Rates in the United States:* 1990.

low-level skills. They rarely know what it is like to attempt interesting content or to use knowledge creatively. Rather than experiencing the joy of wrestling with ideas, these children are more likely to spend their time circling *m*'s and *p*'s on dittos.

Acutely aware of the need for change, Congress tried in 1988 to shift Chapter 1 to higher ground. When federal lawmakers reauthorized the law that year (as they have done every five years), they sought to focus instruction on high-level, as well as basic skills, to connect Chapter 1 to the regular program and to make schools accountable for progress.

Enough time has now passed to evaluate the effects of these changes. Sadly, they were nowhere near enough. The program needed an overhaul from top to bottom; what it got was a mere tuneup.

MOVING FORWARD

The 1993 reauthorization must go farther. Chapter 1 must change fundamentally this time.

What are the most critical deficiencies?

- A continued focus on remediation that denies the richness of learning to those who need more, not less, of what makes education engaging and exciting;
- So much focus on accounting for dollars that attention is deflected from results;
- Resources spread too thinly to make a difference in the neediest schools;
- Methods for evaluating progress that are antiquated (and downright harmful); and
- A perverse incentive structure that discourages schools from working hard to improve student performance.

But the core problem with Chapter 1 is even more basic: its "add-on" design, wherein eligible students get extra help to succeed in the regular school program, cannot work when the regular school program itself is seriously deficient. Like additions to a house on a crumbling foundation, these extras can never fulfill their purpose. Unless regular teachers and building

administrators see getting these children to high levels of achievement as *their* responsibility—and unless they are equipped with the skills to do so—the children will simply never make it. For no matter how wonderful the staff in special programs or how terrific their materials and equipment, they cannot compensate in 25 minutes per day for the effects of watered-down instruction the rest of the school day and school year. And watered-down instruction is precisely what most poor children get.

If Chapter 1 is to help children in poverty to attain both basic and high-level knowledge and skills, it must become a vehicle for improving whole schools serving concentrations of poor children. There is ample evidence to show that under optimum teaching and learning conditions—those with high expectations and skilled instruction—children *will* learn at high levels. The proof is consistent: those encouraged to work with challenging content, to solve problems, and to seek meaning from what they study will make far greater academic progress than students limited to basic skills instruction.

So, rather than simply building good programs, we must build good schools. We know how to teach *all* students successfully; there can be no excuses anymore for continued failure to do so.

A New Framework

Outcomes for poor children won't change if we simply layer these ideas in the form of additional policies and mandates on to a structure that has become obsolete. Consequently, the Commission on Chapter 1 proposes an entirely new Framework, fundamentally and profoundly different. This new Framework does not tinker. It rebuilds boldly.

At the core of the new Framework are three unequivocal beliefs: that all children can learn more, that virtually all children can learn at high levels, and that there is a solid foundation of knowledge on which teachers and principals can draw to make this happen in every one of our schools. Our message to the teachers, principals, and other adults in schools serving poor children is this:

- *You* hold in your hands the keys to the future for poor and minority children. If you have high expectations for their achievement, establish clear standards for student work, employ instructional practices with demonstrated effectiveness, and enlist parents and others in reducing barriers to learning, your students absolutely will achieve at much higher levels.

- The evidence in support of these beliefs is so convincing that we have proposed a new "compact" between the federal government and the schools serving poor children. *You* make the decisions on how to get students to high standards and how to spend your Chapter 1 money. Rather than second guessing your decisions, the *government* will invest heavily in assuring that your knowledge and skills are at their peak and that you have adequate resources at your disposal, and then hold you accountable for results.

The new Chapter 1 must be aimed at producing good schools, not simply good programs. Our goal must be high-quality schools for poor children—no exceptions, no excuses—with skilled teachers and administrators, trained, empowered, and organized to make sound decisions about the curriculum, instruction, and extra help that it will take to enable all students to meet uniformly high standards of performance.

But how does a federal program that has focused on *services* for 27 years begin to transform *whole schools*, especially when program funds amount to only a small fraction of the elementary and secondary education budget? The Commission's Framework has an eight-part answer:

- ***First,*** each State must set clear, high standards for what all students should know and be able to do. These must be the same for all students: poor and rich, minority and white, Chapter 1 and non-Chapter 1. Schools are responsible for ensuring that all students are provided with curriculum, teaching practices, and assistance needed to attain these standards.

■ ***Second,*** do not require the low-level, norm-referenced, fill-in-the-bubble tests currently used to assess progress in Chapter 1. In their place, schools should develop ongoing means of evaluating the progress of individual students toward the standards, and States should administer new, richer, performance-based systems that measure school progress in enabling students to reach the State standards.

Figure 5

Chapter 1: Key Changes At A Glance

Current	Proposed
• low standards, different from other children	• same high standards for all children
• low-level tests that compare students to one another, rather than to objective standards	• performance-based assessment evaluating students' progress toward standards and how to help
• separate, pullout instruction away from other children	• rich instruction and support in the regular classroom
• little training for employees	• generous investment in improving professional knowledge and skills
• money spread thinly	• greater concentration of dollars in high-poverty schools
• detailed accounting for dollars	• accountability for results
• successful schools lose money; little change in failing schools	• rewards for successful schools; help—then sanctions—for schools that do not improve

■ ***Third,*** instead of useless information on what "percentile" or "stanine" their child is in, parents should get clear information at least annually on the progress of their students toward the standards, on what the school is doing, and how they can help.

■ ***Fourth,*** we should invest generously—at least 20 percent of our Chapter 1 dollars—in assisting teachers, principals, and other adults in the school with the various tasks involved in transforming their school so that all students reach the standards. This help should include assistance in developing the overall capacity and focus of the school and assistance in reorienting the curriculum and deepening their knowledge of both subject matter and instructional practice. At the national level, we should invest in research, development, and dissemination of effective programs and strategies for schools with high concentrations of poverty.

■ ***Fifth,*** funding for this program should be concentrated more heavily in schools with concentrations of children in poverty, where the needs are far greater than in low-concentration schools. Also, Chapter 1 should be used as a lever to induce states to deal with tremendous disparities within their borders in providing educational services. If a level playing field is not provided, the notion that Chapter 1 provides for the "special needs" of disadvantaged youngsters becomes a fiction.

■ ***Sixth,*** current requirements that force schools to tie expenditures to individual students should be eliminated, along with perverse incentives that withdraw funding when schools make progress. Schools should receive funding based on the number of poor children they enroll and should be free to spend it in whatever ways they believe will best help students meet the standards. Rather than accounting for dollars, schools should be held accountable for results.

■ ***Seventh,*** schools and districts should help out with family needs as well as those of children by integrating health and social services into the support system for Chapter 1 families.

■ ***Eighth,*** States must develop and enforce a system of incentives that rewards schools that make progress in increasing the numbers of their students who reach the standards and decreasing the number who do not even reach a low standard—and that assures change in those schools that do not make such progress. Schools in the latter category should receive considerable help. Where that help does not result in progress within a specified period, however, States must allow students to transfer out to a successful school and act immediately to change the educational environment or remove school officials (see Figure 5).

These eight components are designed to work together. To have the desired effect on schools and, more important, on student outcomes, they cannot be decoupled. The following section describes the rationale for each in more detail.

THE EIGHT FRAMEWORK COMPONENTS

■ Component One: Have States Set Clear, High Standards

The Commission believes that clear, high standards are an important first step toward transforming education in schools serving concentrations of poor children. The Commission also believes that standards should be the same in all schools, whether they serve rich or poor children. Consequently, we have included in our Framework requirements that each State develop standards of three types:

- content standards that set forth the knowledge and skills that all students must acquire;
- performance standards that establish the degree of proficiency expected of students at particular grade levels in meeting the content standards; and
- delivery standards that assure that students have a meaningful opportunity to meet the standards.

These standards, as well as any added by local communities, should drive the education of students. They should be used as the basis for State curriculum guides and frameworks, for textbook review, and for new assessment systems. Professionals in each school must have considerable latitude in developing detailed curricula and in choosing instructional strategies, but these must be carefully designed to get all students to the State standards.

It is vitally important that Chapter 1 schools be part of the national move toward high standards. Already suffering the effects of low expectations, children served by Chapter 1 would be irreparably crushed if their education were not geared to get them to the same standards as are being developed nationally by professionals in key subject areas.

■ Component Two: New Systems to Assess Progress Toward Standards

High standards are useful to teachers, parents, and policymakers only if they have a means of assessing whether students meet them. Currently, however, the tests mandated by Chapter 1 do not provide useful information on what students know and do not know. Instead of evaluating student progress toward important standards, these tests compare students with one another.

The Commission believes that the current reliance on narrowly constructed tests has invidious consequences, not only in Chapter 1 schools but throughout the educational system. These tests often stand in the way of more challenging teaching and learning because they emphasize discrete bits of knowledge and de-emphasize broader knowledge, especially that beyond reading and math. Studies of Chapter 1 instruction repeatedly have found that much of the time children could be focused on challenging content is spent, instead, on coaching for these narrow tests.

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Component Two *continued*

Fortunately, assessment programs in many States and communities are moving in new directions. They focus considerably more attention on higher order learning and employ more "authentic" techniques for evaluating student work. Because of the power of these new approaches in improving instruction, it would be terrible if Chapter 1 schools were left out of this movement because of regulatory requirements.

To assure that Chapter 1 schools are not left behind once again, the Commission Framework calls for a new, three-pronged approach to assessment that will generate information on:

- the progress of individual students in meeting State standards, to be used by teachers to improve curriculum and instruction and by parents to evaluate their children's progress;
- the national impact of Chapter 1 in enabling schools to get increasing numbers of poor students to high standards, to be used by Congress to judge the impact of the program; and
- the progress of individual schools and districts in enabling increasing numbers of their students to meet the standards, to be used as the foundation for a new outcomes-based accountability system to replace the current system, which requires schools to account for dollars rather than results.

■ Component Three: Inform Parents on How Well Their Children Are Progressing Toward the Standards and How They Can Help

Experience with Chapter 1 has taught teachers, administrators, policymakers, and parents themselves how vital family support is to a child's success in school. Before Chapter 1, low-income parents were often locked out of their children's school lives. Through Chapter 1, many parents were brought into the decision-making process, learned coping skills for themselves, and became advocates for their children.

For the past decade, however, parent involvement through Chapter 1 has been muted. The Commission believes that it must be renewed with vigor, drawing on new knowledge about how best to encourage the involvement of parents in their children's education.

There are many ways that schools can encourage parents to help their children. The new Framework allows schools discretion, yet encourages them to look beyond familiar but often superficial strategies such as asking parents to serve on advisory committees or sending them newsletters. The Framework looks toward other strategies that will enlist parents in monitoring their children's progress and working with the school to improve it, and also in monitoring the overall progress of their school. The Commission strongly suggests that a school's plans for including parents recognize the importance of enhancing family literacy. If we want students to succeed, then we also must help parents improve their own literacy skills, including non-English-speaking parents who are not literate in their home language.

■ Component Four: Invest Heavily in Teachers, Principals, and Other Adults in the School

The resources of Chapter 1 must be invested where they count the most—in people, specifically in teachers and building administrators. The tasks assigned by this Framework to building-level educators are numerous and complex. They include developing curriculum, redesigning instruction, planning staff development, and organizing student assistance to enable all students to meet the standards. They require educators to both think and act in entirely new ways. If the professionals in Chapter 1 schools don't get generous help as they proceed, their results will fall short of meeting the Nation's needs.

Much is known about how to improve learning outcomes for poor and minority children. This information must be shared with building-level professionals in settings that genuinely engage them with the content, with each other and outside experts—and that provide follow-up observation, coaching, and support.

But professionals must be helped, too, to learn how to invent as they go, because circumstances, school histories, and capacities vary significantly. They must have time and support to experiment, to evaluate, and to analyze. They must themselves become a learning community—focused on improving student learning.

Accordingly, this Framework calls for:

- a substantial (and increasing) set-aside for professional and school development;
- school-level decision making about professional development needs; and
- State responsibility for assuring the availability in all regions of high-quality providers of professional and school development services.

The Framework also recognizes that while we already know a great deal about "what works," there are needs to improve and fine-tune what we know and to test new approaches. Thus, at the national level, the Framework calls for a small percentage of Chapter 1 dollars to be earmarked to support research, development, evaluation, and dissemination of effective programs and strategies for educators of disadvantaged children.

■ Component Five: Match Funding to Need and Assure Equity

All children deserve equal opportunities to learn. This is why Chapter 1 exists.

Over the years, it has become clear that the greatest educational needs exist in schools with the highest concentrations of economically disadvantaged students, but the funding formulas under Chapter 1 barely reflect this knowledge. The Framework calls for better targeting of funds to the districts and schools with the greatest needs. While all or almost all districts would continue to participate, schools with the largest concentrations of children in poverty would receive greater sums.

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Component Five *continued*

Resource problems, however, are not limited to the use of federal funds. Chapter 1 has been built on a fiction—that States and localities provide a level playing field for all students and that Chapter 1 funds go to meet special needs of disadvantaged students. The reality is that millions of disadvantaged students live in property-poor urban and rural areas that cannot generate sufficient dollars for education even when citizens tax themselves highly. A lack of affordable housing and continued racial discrimination prevent the families of these children from moving to districts that provide better education.

Rather than calling for exact dollar equality among districts in expenditures, the Framework proposes that States assure comparability in the provision of important education services. Experience tells us what education services make a difference to children, particularly those who are disadvantaged. Services include preschool programs, reasonable class sizes, and teachers who are experienced and working in the areas in which they received training. States must assure that no child is deprived of these services and the opportunity to learn because of the workings of archaic systems of financing schools.

■ Component Six: Replace Accounting for Dollars with Accountability for Results

Beyond problems with the required tests, the current Chapter 1 accountability structure has two particularly troublesome features:

- it focuses too much attention on documenting the expenditure of dollars on "eligible" students and too little attention on the academic progress of such students; and
- it punishes improvement by withdrawing dollars from schools that succeed.

The Commission proposes to deal with the latter problem—perverse incentives—by providing funds to schools based upon their enrollment of poor students. Funding would not decline if student performance improved.

The Commission proposes to deal with the former problem—excessive regulation of expenditures—by eliminating the concept of student eligibility and providing schools with flexibility on how to spend their Chapter 1 funding. Rather than pre- or post-tests and labels for "Chapter 1 children," all students in participating schools are "eligible." The focus will be on making the regular program as rich as possible, rather than on isolated, pullout services. Then, teachers and schools decide who needs special help at any point and how to provide it.

The new accountability system will be based on student outcomes, rather than on expenditure of dollars. The Commission's recommended enforcement structure (see Component 8) will provide continuing flexibility to schools that make adequate progress in getting increasing numbers of students to state standards, but will require changes in schools that do not make such progress.

■ Component Seven: Integrate Health and Social Service Support

Everyone knows that when children are ill, or hungry, or in other kinds of distress, it is harder for them to do well in school.

Dealing fully with these external barriers to learning is beyond the purview of an aid-to-education statute, but the Commission calls for a start by enabling schools to use Chapter 1 resources to coordinate the provision of health and social services and by asking that Governors of the States accept responsibility for preparing a plan to eliminate health and social barriers to learning. The Framework also notes an appropriate role for education officials and encourages State and local education agencies to promote co-location of social and health services at school sites—services such as the screening and treatment of children for vision, hearing, and dental problems. The Framework would also require school districts to assure that children are immunized before entering schools and screened for conditions that impair learning, such as lead exposure and abuse or neglect.

■ Component Eight: Reward Schools That Progress and Change Those That Don't

From the beginning, there has been a tension within Chapter 1 between setting parameters and allowing flexibility. The legislative history of this program is strewn with attempts to work out how best to hold the educators accountable, while not strangling them with requirements.

The Commission believes that the best way to hold educators accountable is with student outcomes. While the Commission is not unmindful of the many reasons why the current system focuses on inputs, we see this as counterproductive. We have therefore proposed in our Framework an outcomes-based accountability system that provides tremendous flexibility to local educators, yet guarantees adequate progress of students in meeting State standards.

Each State will be required to develop an enforcement system in keeping with principles set forth in the Framework. Schools that make adequate progress in increasing the numbers of students at the highest levels and in reducing the numbers at the bottom will be rewarded in concrete ways. Schools that do not make progress will receive considerable assistance. If they still do not make progress, States must act through a series of graduated steps to "change the educational environment" in the school. Such steps might include withdrawing flexibility, replacing school leadership and/or other staff, or imposing other sanctions. In any event, students who attend consistently failing schools will have the absolute right to transfer to successful schools, with transportation provided.

CONCLUSION: *The Broader Context for Reform*

Over the course of the next 18 months, we—the President, the Congress, and the American people—will make a decision that will affect the life chances of millions of American children. The decision will focus on what changes to make in the largest federal program of assistance to elementary and secondary education—the Chapter 1 program. Determinations whether to change the program fundamentally, as suggested in this Framework, or to make more modest improvements will be made at a time when there is widespread discontent, not simply with schooling for poor children but with the quality of public education generally. This broad concern is fueled by the decline in the economic status of the Nation and a widespread belief that the flaws in our education system are making the United States less and less competitive.

Despite the depth of concern, the outcome of the current reform effort is far from certain. In our judgment, one of three things may happen:

- The drive for reform may falter entirely because of an unwillingness on the part of politicians, educators, and citizens to make the structural changes and to provide the resources that are needed to make a real difference in American public education. If this happens, we will all be losers.
- The drive for reform—like past drives—may yield dividends only in wealthy school districts around the Nation, districts that already have substantial resources and that serve mainly advantaged children. If that happens, there will be a few winners, but society as a whole and most of its citizens will be losers.
- The drive for reform may be strong enough to work changes in public schools throughout the Nation. The changes may attract the most able and dedicated people to teach in public schools and involve parents and communities in supporting their youth and educating all children. If that happens, we will all be winners.

The new Framework, developed by the Commission on Chapter 1 through two years of diligent discussions and negotiations, is offered with the conviction that the third result—nationwide systemic reform of public education that provides new opportunities to children of all races and economic stations—is not only possible, but within our reach.

PART II

Summary of the New Chapter 1 Framework

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SECTION 1

FINDINGS AND MISSION

In this section, the Commission has sought to distill the experience of the last quarter century with federal aid to meet the education needs of disadvantaged children and to lay a predicate for the reforms contained in this Framework. In a series of findings and in a mission statement, the Commission outlines its vision for a new Chapter 1 based on high expectations and high standards for children from low-income families.

1 There are two core findings that, if accepted, will change the way Chapter 1 operates:

- that all children, including those who are economically disadvantaged, can learn and that virtually all children have the capacity to acquire the high-level knowledge and skills in a broad range of subjects that will allow them to participate fully in the economic, social, and political life of the Nation [§I(A)(2)]; and
- that the most urgent need for educational improvement—and hence, for federal assistance—is in schools with high concentrations of children from low-income families. [§I(A)(1)].

2 Additional findings recognize the school as the primary unit in need of change and improvement; the existence of effective strategies for educational improvement and the entitlement of all students to a curriculum and teaching practices that embody such strategies; the central role of parents as first educators of their children; and the responsibility of schools and other public agencies to work together to ensure that students receive the health and social services they need in order to learn. Other findings identify the need to eliminate barriers to learning, including inadequate education resources, ineffective tests and testing practices, and lowered expectations for poor children; and harmful instructional practices, including tracking and separating children from the regular classroom. [§I(A)(3)-(13)].

3 The Mission Statement outlines the means to be used to accomplish the central objective of the new Chapter 1: to use federal aid to assist disadvantaged children, and particularly those who attend schools with high concentrations of poverty, in attaining high-level skills and knowledge. The means include expanding preschool opportunities; helping to establish a broad and challenging curriculum in a range of subjects at each Chapter 1 school; building the capacity of all participants in the school community to meet the needs of all students; and establishing methods of school, district, and State accountability, including both incentives and sanctions, to assure that this Mission is achieved. [§I(B)].

SECTION II

STANDARDS

Recognizing that children from low-income families have been shortchanged by low expectations and standards, this section sets forth the duties of States, school systems, and participating schools to establish high-level standards for all students in Chapter 1 schools, standards that are at least equivalent to those set for children who attend non-Chapter 1 schools.

1 Primary responsibility for setting standards is placed on the states and not on the federal government. Each State educational agency (SEA) is required to develop and submit to the Secretary of Education for approval a comprehensive set of standards in three areas—content, performance, and delivery. [§II(B)(1)]. The overarching standard is that all children must acquire the ability to reason, read, understand, interpret, and analyze complex material in a broad range of academic subjects; to use qualitative skills for planning, analysis, and problem solving; to speak and write effectively; to produce as well as to reproduce knowledge; and to work cooperatively in teams, as well as to think and act independently. [§II(A)(1)(a)].

2 State content standards are to set forth the knowledge and skills that schools must teach to enable all students to attain high levels of proficiency. [§II(A)(1)(b)(i)]. The content standards must encompass not just the traditional Chapter 1 subjects of reading and mathematics, but also writing, science, history, and geography, and must incorporate the best standards set by professional associations and learned societies. [§II(A)(1)(c)].

3 State student performance standards are to establish the degree of proficiency expected of students in meeting the content standards and a range of intermediate standards to serve as indicators for assessing progress at various stages. Each State will spell out what knowledge and skills are needed to reach "partially proficient," "proficient," and "advanced" levels of achievement at four grade levels. [§§II(A)(1)(b)(ii) and II(A)(1)(d)].

4 State delivery standards include a series of measures to assure that schools and teachers are provided with the means to meet the content standards and that students have a meaningful opportunity to meet the performance standards. Delivery standards will include, for example, the employment of appropriately trained, certified staff who are teaching in their areas of training or certification; the provision of appropriate materials and equipment; and the maintenance of facilities that are clean, safe, and drug free. [§§II(A)(1)(b)(iii) and II(A)(1)(e)].

5 The section further requires that school districts and participating schools take steps to inform members of the school community about the new State standards, to consider whether to adopt supplemental local standards, and to revise their curriculum and instruction in accordance with the new standards. [§II(C)].

SECTION III

ELIGIBILITY AND FISCAL REQUIREMENTS

This section spells out the requirements that must be met by school districts and schools, as well as by State educational agencies, in order to receive Chapter 1 funds. The section also prescribes permissible uses of Chapter 1 dollars and outlines the formulae by which the funds will be allocated within States to the SEA and to school districts and schools.

1 While local educational agencies (LEAs) with 10 or more poor children will continue to be eligible for Chapter 1 assistance, the SEA will allocate Chapter 1 funds to LEAs according to a formula that will weight the aid on a sliding scale toward the highest poverty LEAs in the State. [§§III(A)(1) and III(A)(3)(b) and (c)].

2 A school will be eligible to receive Chapter 1 funds if its percentage of poor children is at least 30 percent or is at least that of the LEA as a whole. The current "no-wide variance rule" that allows many very low poverty schools to participate would be deleted. Provision is made for certain otherwise ineligible schools to be served when such schools participate in a desegregation plan. [§III(A)(4)].

3 LEAs are required, however, to channel funds only to that number of schools in which high-quality programs can be delivered. Allocations to schools will be based solely on the number of children from low-income families enrolled, and will not be based on the number of low-achieving students. [§III(A)(5)].

4 The Framework deletes all child-eligibility requirements currently in the law, eliminating, for example, the requirement to serve only children identified as "educationally deprived" in particular subject areas and grades. Instead, participating schools and school districts will determine how best to allocate resources to ensure that all children, including all children from low-income families, move toward high levels of proficiency. [§III(A)(6)].

5 LEAs may use Chapter 1 funds for a broad range of educational purposes designed to help students and schools attain the standards. Safeguards are maintained, however, to assure that programs and expenditures are comparable among participating and nonparticipating schools and that Chapter 1 dollars supplement, rather than supplant, local efforts. [§III(A)(7)].

6 States must comply with all portions of the law in order to receive Chapter 1 assistance, including a new provision to require comparability of "essential educational services" among all schools and school districts in the State. [§III(B)(1)]. The Secretary of Education is required to collect and publish data necessary to determine compliance and to assess the impact of school finance systems on resources available to disadvantaged students. This provision is intended to deal with the gross inequities that frequently result from State finance systems and that often deprive economically disadvantaged students of needed educational resources. [§III(B)(2)].

7 States may reserve for the SEA certain percentages of their allocation necessary to fund capacity-building programs, to administer and develop new assessments and accountability systems, and to administer the program. [§III(B)(3)].

SECTION IV

HELP AND CAPACITY-BUILDING

This section identifies the steps to be taken by schools to strengthen instruction and by school districts and SEAs to assist schools in that process.

1 The cornerstone is a biannual school achievement plan that each participating school will develop with input from the entire school community, including parents, teachers, the principal, and other staff. In preparing its plan, each school is asked to analyze student achievement patterns and progress toward the standards and then to identify steps it will take to improve students' performance. The plan will include staff development and parent involvement components, a budget, and a timeline for school improvement activities. [§IV(A)(2)(a)(i) and (ii)].

2 Each participating school must spend at least 10 percent in years 1 and 2, 15 percent in year 3, and 20 percent in each year thereafter on staff development and school improvement efforts. [§IV(A)(3)(a)].

3 Participating schools must also take steps to ensure that individual students who have trouble meeting the standards are provided with effective extra help, as determined by the school, in consultation with parents. [§IV(A)(2)(a)(iii)].

4 LEAs are permitted (although not required) to develop districtwide capacity-building programs, which, like the school-based efforts, must be based on an analysis of student achievement patterns. LEA programs will serve to assist participating schools in preparing their achievement plans, in identifying needs for staff development, in coordinating staff and parent training among schools with similar needs, and in evaluating services and programs purchased with Chapter 1 dollars. [§IV(A)(2)(b)].

5 Because the Commission views the upgrading of teacher skills as a very high priority, the Framework calls on States to design and carry out a strategy to ensure the availability to participating schools of high-quality professional development and school improvement assistance. SEAs must inventory and analyze available sources of such assistance, take steps to increase the availability of high-quality assistance, and disseminate to schools and school districts information about effective educational practices and programs available to them. [§IV(A)(2)(c)]. To carry out these purposes, a percentage of each State's total allocation is reserved to SEAs to enable them to award capacity-building grants to organizations, universities, school districts, and others. Eight percent is reserved in 1994 and 1995, seven percent in 1996-1998, and four percent in each year thereafter. [§IV(A)(3)(c)].SEAs are also required to assist LEAs and schools in assuring that curriculum is aligned with the State's standards by developing curriculum frameworks and models. [§IV(B)].

7 The Secretary is directed to publish and disseminate widely to educators and parents "Guidelines for Effective Staff Development and School Improvement," with an emphasis on effective approaches to educating disadvantaged children and to schoolwide reforms. [§IV(A)(5)].

8 To attract and retain the most capable teachers at schools serving disadvantaged students, a new federal program will be established, in addition to Chapter 1, to provide bonuses to teachers employed in participating schools with enrollments of at least 75 percent economically disadvantaged children. In addition, these teachers must be certified by the National Board of Professional Teaching Standards. [§IV(C)].

SECTION V

PARENT EMPOWERMENT

This section calls upon each participating school to implement a parent training and involvement program designed to empower parents to make important contributions to their children's education.

1 Schools must prepare and disseminate to parents a written parent involvement plan, with input from parents, and, in the case of secondary schools, from students as well. The plan will become part of the school achievement plan. [§V(A)(2) and (B)].

2 The parent involvement program must include activities designed to achieve involvement of parents in the education of their own children (e.g., through family literacy programs, home-based educational activities, and parent education and training); to provide understandable information to parents on how to become involved at home and at school and on the requirements (e.g., standards, assessments) of Chapter 1; and to guarantee reasonable access to observe classrooms and to review all documents related to the school's and LEA's compliance with the Act. Each participating school also must report to parents on their children's progress, must provide training on how to work with parents to teachers and other staff, and must assure that information is communicated effectively to parents with limited literacy or English proficiency. [§V(B)].

3 LEAs must assure that participating schools comply with the parent empowerment requirements. LEAs are also asked to involve businesses and community-based organizations in parent involvement initiatives. [§V(A)(3)].

4 The section also establishes a network of federally funded Parent Information and Resource Centers. The Centers—one in each State, and five others to serve rural and urban areas— would be modeled after those established under the Individuals with Disabilities Education Act. The Centers' mandate would be to provide information, training, and other assistance to parents, particularly to low-income parents, of children enrolled in participating schools. [§V(C)].

SECTION VI

HEALTH AND SOCIAL SERVICES

This section stems from a recognition that health and nutritional deficits, as well as other social problems, often prevent children from learning. The provisions of the section require States and school districts to identify health and other barriers to learning faced by children in participating schools and to take steps to bring low-income children and their families closer to obtaining the health and social services that are prerequisites to educational achievement.

1 Each State must prepare, on a two-year cycle, a plan to eliminate barriers to learning, which identifies barriers to learning faced by low-income children (including, e.g., poor health, poor nutrition, and inadequate housing). The plan must also identify measures to be taken to eliminate the barriers, including, for example, integration of services and co-location of health and social services at Chapter 1 schools. [§VI(B)(1)].

2 The State must widely disseminate this plan and involve a broad range of State agencies, LEAs, and others (including teachers and parents) in its preparation. [§VI(B)(2) and (3)].

3 Every two years, the State must issue a report card on progress made under the plan. [§VI(B)(4)].

4 Each LEA must report, on a two-year cycle, to the State on barriers to learning within its jurisdiction, on the extent to which efforts, including additional resources and interagency collaboration, might increase access to vital services, and on measures the LEA intends to take to ease or eliminate the barriers. [§VI(C)(1)].

5 Each LEA must also ensure that all children attending participating schools are fully immunized upon entering school, are screened for health and other conditions that may impair learning, and are properly referred by school officials to appropriate services in the community. [§VI(C)(3)(a)].

6 LEAs are permitted to use Chapter 1 funds in carrying out their duties under this section (e.g., for screening and referral and to facilitate collaboration with other agencies) although Chapter 1 funds may not be spent on direct services to children and families. [§VI(C)(4)].

SECTION VII

ASSESSMENT

This section spells out the components of a new, three-pronged system of assessment. It is designed to replace the current system of norm-referenced tests, a system the Commission has found both to emphasize low-level skills and to be an ineffective measure of student achievement. Provisions now in the law authorizing use of these low-level tests would be repealed on the effective date of the reauthorization. [§VII(D)(3)].

1 Each school district and participating school will conduct *assessments to aid student progress*. These assessments will be controlled and administered by classroom teachers and will serve as an aid in assessing the progress of individual students in meeting the standards. This section also requires schools to explain the school's curriculum and forms of assessment to parents, students, and teachers and to report to parents on their children's progress toward meeting the standards. [§VII(B)].

2 As a second prong, the Framework calls on the Secretary of Education to report biannually to the Congress and the public on the effectiveness of the Chapter 1 program in achieving its goals for low-income children. In making this *assessment to evaluate Chapter 1*, the Secretary may rely on the National Assessment of Educational Progress (NAEP) or other assessments that are consistent with this Framework. These evaluations should lead to improvements in Chapter 1. [§VII(C)].

3 As a third prong, each State is required to develop and submit to the Secretary a set of *assessments for accountability purposes* that will gauge the progress of school districts and Chapter 1 schools in meeting the content standards established by the State. [§VII(D)(1)]. The key features of these new assessments will be:

• They will be conducted annually in all participating schools and with at least a sample of all students in the schools. [§VII(E)(1)(a)].

• They will be conducted at four grade levels: at completion of grade 1, at some point during grades 2-5, during grades 6-9, and during grades 10-12. [§VII(E)(1)(b)].

• The grade 1 assessments will measure oral language, emerging reading, and social skills. The assessments in the later grades will measure proficiency in subjects including reading, mathematics, writing, history, geography, and science and will measure the proportions of students who are "advanced," "proficient," "partially proficient," and "not proficient" in these subjects. [§VII(E)(2)].

4 The new assessments will be accompanied by safeguards, including requirements of validation to assure racial and gender fairness [§VII(D)(5)] and that limited-English-proficient students are assessed, to the extent practicable, in their language of instruction. [§VII(E)(2)(f)]. Other provisions would discourage retention of students in grade, require the assessment by the LEA of students who move from school to school over the course of the school year, and set terms for participation of disabled and limited-English-proficient students in the assessments. [§VII(E)(1)].

5 Prerequisites to the implementation of these assessments include: broad dissemination of information about the new standards and assessments to parents, teachers, and students; steps to revise and align the curriculum to the new standards; and implementation of staff development and school improvement initiatives to equip students with the ability to perform successfully on the assessments. [§VII(F)].

6 In administering assessment requirements, the Secretary of Education will be aided by the advice and guidance of a new Commission on Student Assessment (CSA) to be authorized by Congress and established by the National Academy of Sciences. The CSA will review all State-developed assessment systems and advise the Secretary whether they meet the criteria established under the law. CSA will also monitor and report on the implementation of the new assessment systems. [§VII(D)(6)].

SECTION VIII

ENFORCEMENT

This section describes the key elements of an outcome-based accountability system and the methods of enforcement that will be used to achieve its objectives.

1 Enforcement tools will not be dictated by the federal government but will be selected by the States largely from among remedies that often are already provided in their own laws and constitutions governing public education. Each State will be required to develop and submit to the Secretary of Education by 1996 an enforcement plan designed to assure school and school district compliance with the provisions of this Act and, significantly, to assure that within five years after completion of the first assessment, all participating schools will have made adequate progress in reaching required levels of proficiency. [§VIII(A)].

2 Adequate progress shall be defined by the Secretary of Education in regulations. It will call for an increase in the proportions of all students, and of all low-income students, who achieve at "proficient" or "advanced" levels. It will also call for a decrease in the proportions of all students, and of all low-income students, who are at the "not proficient" level. Adequate progress will be determined through assessments in a broad range of subjects. [§VIII(B)].

3 When schools make adequate progress, States may reward them with benefits, including greater decision-making authority; access to supplemental resources to sustain success or to serve larger numbers of children; and recognition, bonuses, and other benefits to staff. [§VIII(A)(5)(a)].

4 As to schools that fail to make adequate progress, the enforcement process initially will involve a series of graduated steps to be taken after a school is identified as failing, but before sanctions are imposed. This measured response—including technical assistance, consultations in the school community about corrective steps, and visits from an inspection team that can requisition any needed resources—should enable many schools to come into compliance without the imposition of sanctions. [§VIII(A)(4)].

5 Where school systems continue to fail, despite assistance, sanctions may include institutional penalties, such as loss of decision-making authority and, ultimately, closing the school, as well as individual penalties, such as reductions in pay and dismissal and/or transfer of the principal and other staff. [§VIII(A)(5)(b)].

6 In any event, parents whose children attend failing schools will have a right to transfer their children from failing to successful schools, with transportation provided where needed. This is a form of public school choice, but one that is tailored to the needs of disadvantaged students and that protects the vitality of public schools. [§VIII(A)(5)(c) and (f)].

7 Penalties will also be directed toward school districts that, as a whole, fail to make adequate progress; and these may include dismissal of the superintendent and other administrators; appointment of a receiver or trustee to administer the district in lieu of the superintendent and local school board; and annexation by other school districts. [§VIII(A)(5)(e)].

8 Rights under the Act will be secured by requiring states to provide an accessible administrative process for resolving complaints by parents, students, and teachers and by encouraging other informal methods of dispute resolution. Parents and teachers may also initiate legal action in federal court to enforce many of the Act's provisions. [§VIII(A)(6)].

SECTION IX

RESEARCH, DEVELOPMENT, EVALUATION, AND DISSEMINATION

This section provides for a portion of the Chapter 1 appropriation to be reserved by the Secretary of Education for the purpose of funding research, development, and evaluation.

It also provides for dissemination of information on effective practices and strategies for the education of economically disadvantaged children. Changes in educational systems brought about as a result of this legislation will also be evaluated. [§IX].

The following Commissioners submitted supplemental statements concerning the Framework, which are published in their entirety at the conclusion of the Framework and Commentary: Henry Levin, George Madaus, Joe Nathan, Delia Pompa, Sharon Robinson, Bella Rosenberg, Paul Weckstein, Anne Wheelock, and Robert Witherspoon. *See page 87.*

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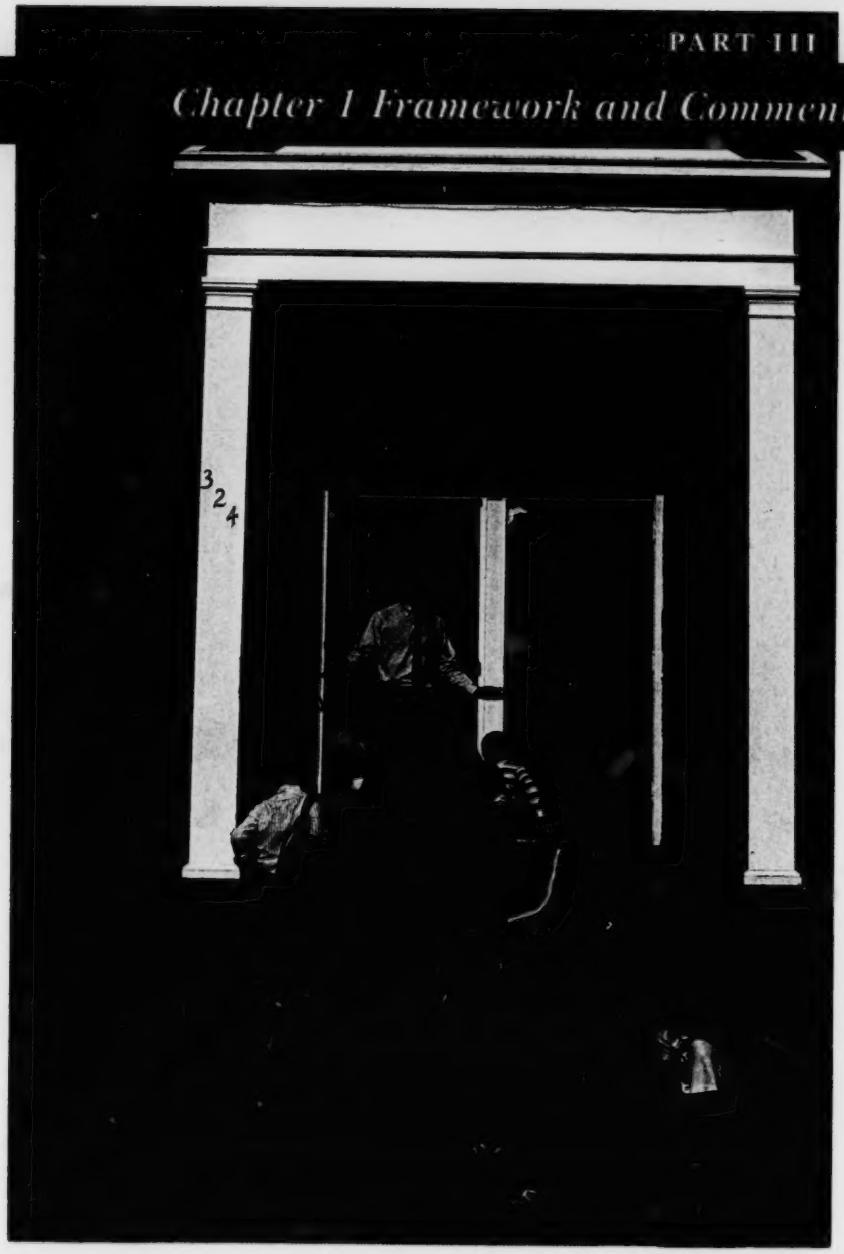
PART III

Chapter 1 Framework and Commentary



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Chapter 1 Part A of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. §§2701 et seq.) is reauthorized for a period of 10 years and is amended to read as follows:

SECTION 1

FINDINGS AND MISSION

A Congressional Findings

Congress finds:

(1) THAT THE MOST URGENT NEED for educational improvement in the Nation is in schools with high concentrations of children from low-income families and that it is the federal role to provide assistance to such schools;

(2) THAT THERE IS COMPELLING EVIDENCE that all children, regardless of economic circumstance, can learn and that virtually all have the capacity to acquire the high-level knowledge and skills in a broad range of subjects that will allow them to participate fully in the economic, social, and political life of the Nation;

(3) THAT SCHOOLS ARE THE PRIMARY INSTITUTION on which society relies to assure that children achieve high- level skills and knowledge;

(4) THAT WITHIN THE EDUCATIONAL SYSTEM, positive change in the lives of children occurs largely at the school site and, therefore, there is a compelling need for measures to strengthen the capacity of principals, teachers, school staff, parents, students, and other members of the school community to work in partnership to bring about such change;

(5) THAT PARENTS AND OTHER RESPONSIBLE FAMILY MEMBERS are the first educators of children, particularly in the early years, and must be actively involved in their children's development and education both at home and in school to help children to achieve the high-level skills called for under this Act;

(6) THAT SCHOOLS HAVE A ROLE in working with parents and health and social service institutions to help eliminate external barriers to learning and that health and social service institutions have an obligation to assist and cooperate with schools in performing this role;

(7) THAT EFFECTIVE STRATEGIES FOR EDUCATIONAL IMPROVEMENT have been developed which, if made available to and implemented by principals, teachers, and staff who have access to high-quality professional training, will enable virtually all students to acquire high-level skills and knowledge;

(8) THAT ALL CHILDREN ARE ENTITLED TO TEACHING PRACTICES that are in accord with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(9) THAT ALL CHILDREN ARE ENTITLED TO PARTICIPATE in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(10) THAT ONE IMPORTANT PART of a broad and challenging curriculum is school-based community service which provides a means for young people to understand the opportunity and obligation to become contributing members of society;

(11) THAT THE PURPOSES OF THIS ACT will be best served by the elimination of such barriers to student learning as pullout instruction that separates children from the regular instructional program, homogeneous grouping and tracking, excessive use of low-level norm-referenced testing, failure to provide understandable instruction to children of limited English proficiency, and the replacement of these practices with the education practices, services, and resources called for by this Act.

(12) THAT THE PURPOSES OF THIS ACT to meet the education needs of economically disadvantaged children have been impaired by fiscal systems that have worked to deprive many children with the greatest needs of adequate state and local resources.

(13) THAT FOR ECONOMIC, POLITICAL, SOCIAL, AND ETHICAL REASONS, national policy must be predicated on the proposition that all children can and must learn and that no other objective of national policy shall be accorded higher priority or greater immediacy.

B Mission

It is the purpose of this Act to assist State and local education agencies to meet the educational needs of the children of low-income families, particularly children in schools with high concentrations of poverty, so that all of these children will attain high levels of proficiency in the knowledge and skills that are necessary for sustained success. The means for accomplishing the mission include, but are not limited to, the following:

(1) **ESTABLISHING** prekindergarten and other effective services and programs to assure readiness for school;

(2) **FOSTERING** the establishment of high levels of expectation and high standards for student performance and accurate means for assessing whether standards have been met;

(3) **ASSISTING** teachers through professional development and other programs in enhancing their teaching skills and practices;

(4) **ASSISTING** in the establishment at each participating school of a broad and challenging curriculum available to all students;

(5) **BUILDING** the capacity of all participants in the school community to meet the needs of all students;

(6) **PROVIDING** in-class and extra services and assistance, including extending the school day or school year, which strengthen and reinforce the experience children receive through full participation in a regular school program of high quality;

(7) **ASSURING** that all schools within a state that participate in the Chapter 1 program receive essential educational services that are comparable to those received by schools that do not participate in the Chapter 1 program; and

(8) **ESTABLISHING** methods of school, district, and state-level accountability, including incentives and sanctions, that will help assure that the mission of this Act is achieved.

C Definitions

As used in this Act:

(1) **"HIGH-LEVEL KNOWLEDGE AND SKILLS"** include the ability to reason; to read, understand, interpret, and analyze complex material in a broad range of academic subjects; to use quantitative skills for planning, analysis, and problem solving; to speak and write effectively; to produce as well as to reproduce knowledge; and to work cooperatively in teams, as well as to think and act independently.

(2) **"BROAD AND CHALLENGING CURRICULUM"** encompasses material that will foster the mastery of high level knowledge and skills in disciplines, including, but not limited to, reading, writing, mathematics, science, history, and geography.

★ The Commission's Commentary on Findings and Mission:

The effort embodied in this statutory Framework to reshape federal aid to elementary and secondary education is informed by more than a quarter of a century of experience, both positive and negative, with the Elementary and Secondary Education Act and with school improvement reforms at the local, state, and national level.

In Section I of the Framework, the Commission has sought to distill the lessons of the past 25 years in a series of findings that lead to a reformation and sharpening of the central mission of Chapter 1. The core finding, supported by a growing body of research and experience, is embodied in finding A(2), that the ability to learn is not dependent on economic circumstances and that virtually all children have the capacity to acquire high-level knowledge and skills. *See* R. Edmonds, *Making Public Schools Effective*, 12 Social Policy 56-60 (1981); *Higher Order Learning for All: A Report by the Council of Chief State School Officers on Restructuring Learning* (1990); B. Means and M. Knapp, *Teaching Advanced Skills to Educationally Disadvantaged Students* (Washington, DC: Policy Studies Associates 1991).

Once this core finding is understood and accepted, we must rely on schools as the primary institution for imparting high level skills and knowledge [See finding A(3)], and we must channel federal assistance in directions that will help schools to meet this responsibility. These directions include strengthening ties between schools and parents and

helping parents become more involved in their children's development and education [finding A(5)], making more widely available the knowledge that has accumulated in recent years about effective strategies for educational improvement and investing in high- quality professional training [finding A(7)], and schools' working with health and social service institutions to assure that physical and social problems (e.g., hearing and vision impairments and child abuse) will not go undetected and will be addressed before they become serious impediments to learning [finding A(6)].

The Section also makes findings that are designed to assist Congress in determining priorities in the allocation of resources. For example, finding A(1) that the most urgent needs exist in schools with high concentrations of children from low-income families is predicated on research over more than two decades that has shown consistently that low-income children reach higher levels of achievement when they attend schools with significant numbers of middle-class students than when they are in schools which consist mainly of poor children. *See, e.g.*, U.S. Department of Health, Education and Welfare, *Equality of Educational Opportunity* (1966) ["The Coleman Report"]; U.S. Department of Education, *National Assessment of the Chapter 1 Program: The Interim Report* 158, 160 (June 1992). This suggests strongly that Chapter 1 resources will be more effectively distributed if Congress is able to resist the familiar political tendency to spread money around to all areas and instead to focus on the school districts and schools with high concentrations of poverty. Similarly, the findings address the clear need for the federal government to insist that States take action to deal with maldistributions of education resources at the State and local levels that work to the detriment of economically disadvantaged students and thwart the mission of Chapter 1 to provide special assistance to disadvantaged students.

Firm establishment of the principle that economically disadvantaged children can and are expected to learn at high levels should also lead to the elimination of practices that have hindered effective implementation of Chapter 1 in the past. Practices such as ability-grouping and tracking and the use of federal funds to establish "pullout" programs that separate eligible children from the regular education program are based on lowered expectations for disadvantaged children and have no place in a setting where high expectations exist for all students [finding A(11)]. Another problem of considerable concern is the improper exclusion of students of limited English proficiency from Chapter 1 services.

In the mission statement, the experience reflected in the findings is converted into a specification of the means to be used in accomplishing the objective that federal aid will be used to assist all children, particularly those in schools with high concentrations of poverty, in attaining high-level skills and knowledge. These means include broadening opportunities for preschool participation, helping to establish a broad and challenging curriculum at each school, providing in-class and extra services, and building the capacity of all participants in the school community to make the school an effective institution.

Finally, the definition section seeks to build on the goal of "high-level skills" advanced in the Hawkins-Stafford Act of 1988, by giving content to the concept. The definitions identify both the range of subjects in which high-level knowledge is needed and specify the types of skills called for (e.g., the ability to analyze complex material and to use quantitative skills for planning, analysis, and problem solving).

SECTION II

STANDARDS

A Duties of the Secretary

(1) ADOPTION OF GUIDELINES
The Secretary of Education shall adopt guidelines for the development by State educational agencies of state standards in accordance with the following principles:

*(a) **Overarching Standard***—The overarching standard shall be high level skills and knowledge as defined in Section I C of the Act, that is, "the ability to reason; to read, understand, interpret and analyze complex material in a broad range of academic subjects; to use quantitative skills for planning, analysis, and problem solving; to speak and write effectively; to produce as well as to reproduce knowledge; and to work cooperatively in teams as well as to think and act independently."

*(b) **Types of Standards***—The standards shall be of three types:

(i) content standards that set out the knowledge, skills, and other necessary understandings that schools must teach to enable all students to attain high levels of proficiency;

(ii) student performance standards that establish both the degree or quality of proficiency ultimately expected of students in meeting the content standards and a range of intermediate standards to serve as indicators for assessing the status and progress of student performance at various stages;

(iii) delivery standards that include a series of measures that will be used to determine whether schools and teachers have been provided with the means to meet content standards and whether students have been provided a meaningful opportunity to meet performance standards.

*(c) **Content Standards***—In addition to the characteristics described in A(1)(a) the content standards:

(i) shall be geared to the development of competencies that will qualify students for higher education and higher-skill occupations and will prepare them to function as knowledgeable and contributing citizens in society;

(ii) shall relate to specific subject areas, including reading, mathematics, and science, and shall also require the integration of knowledge and problem-solving skills in several disciplines;

(iii) shall be broad ranging and encompass not just reading and mathematics, but other subjects as well, including writing, science, history, and geography;

(iv) shall also call for the development of knowledge and skills in other areas that will prepare students to function as knowledgeable and contributing citizens, such as health, foreign language, the arts, and community service.

*(d) **Performance Standards***—The performance standards shall establish what knowledge and skills are needed for students to reach partially proficient, proficient and advanced levels of achievement at the several stages of a student's career specified in Section VII.

*(e) **Delivery Standards***—The delivery standards shall include, but are not limited to, the following:

(i) provision to students in each local educational agency and school of a curriculum that meets the content standards prescribed in subsections A(1)(b)(i) and A(1)(c);

(ii) the use in each local educational agency and school of appropriately trained, licensed, or certified staff who are teaching in their areas of licensure or certification;

(iii) the use in each local educational agency and school of systematic instructional practices that can be shown to help disadvantaged students attain the standards set forth in this section and the elimination of instructional practices that have been shown to be ineffective in attaining the standards;

(iv) provision to students in each local educational agency and school of appropriate and up-to-date materials and equipment;

(v) the establishment by each local educational agency and each school of facilities that are clean and safe and an environment that is healthy and safe, disciplined, and drug free;

(vi) the provision in each local educational agency and school of the high-quality staff development and other capacity-building measures specified in Section IV of this Act;

(vii) the establishment in each local educational agency and

school of the programs and procedures for parent involvement specified in Section V of this Act;

(viii) the allocation of time in teachers' schedules that is adequate to enable them to review information on student achievement, to consult with their colleagues on the needs of individual students and on school improvement, to increase their professional knowledge and skills, and to improve the effectiveness of their teaching.

(2) ASSISTANCE TO STATE EDUCATIONAL AGENCIES
The Secretary shall make available to all State educational agencies the best standards set by professional associations and learned societies and exemplary standards submitted by State educational agencies under subsection B of this section and shall provide other technical assistance to State educational agencies in the development of standards.

(3) REVIEW OF STANDARDS
The Secretary shall determine within 90 days after submission whether each State educational agency has submitted standards that meet the requirements of this Section and shall require State educational agencies that fail to submit acceptable standards to select a set of standards from among those State educational agency submissions the Secretary has found acceptable.

B Duties of State Educational Agencies

(1) EACH STATE EDUCATIONAL AGENCY SHALL submit to the Secretary by June 1, 1996, statewide content, performance, and delivery standards that comply with the requirements set forth in Section II (A), and that:

(a) incorporate the best standards set by professional associations and learned societies; and

(b) provide assurances that the standards adopted for Chapter 1 students are not lower than those the State educational agency applies to non-Chapter 1 students.

(2) TO ASSIST IN THE DEVELOPMENT OF STANDARDS, each State educational agency shall establish and engage in a process of public consultation that shall encourage the informed participation of persons involved or interested in public education, including leaders of professional education associations, practitioners and persons experienced in the teaching of disadvantaged children, parents, and community and business leaders.

(3) EACH STATE EDUCATIONAL AGENCY, after approval of its submission by the Secretary, shall assure that its standards are distributed to all local educational agencies, that they are made widely available on request, and that summaries and other information about the approved standards are prepared and made available to professional education associations, community and business leaders, teachers, and parents and students.

C Supplemental Local Standards

Each local educational agency and school shall:

(1) ENGAGE parents, teachers, and other school staff and members of the school community in a discussion of the State standards and of any additional local standards that may assist in achieving the purposes of this Section;

(2) DETERMINE what additions to or revisions of curriculum and instructional strategies are necessary to enable students to meet the standards;

(3) ASSURE that all members of the school community are provided with clear information about the state and supplemental local standards and about their responsibilities for meeting them.

★ The Commission's Commentary on Standards

If one area of consensus has emerged from the current debate over public education, it is that establishing higher standards for school systems, schools and students is central to improving educational opportunities and results for all our students.[1] In the words of the National Council on Education Standards and Testing, high national standards:

> can create high expectations for all students and help to better target resources. They are critical... to promote educational equity, to preserve democracy and enhance the civic culture, and to improve economic competitiveness. *Raising Standards for American Education* 3 (Jan. 24, 1992).

[1] Less consensus exists on such matters as the tools needed for assessing student performance in meeting new standards and on means for enforcing standards, matters that are addressed later in this Framework.

Early in its deliberations, the Chapter 1 Commission determined that the issue of standards must be addressed in any comprehensive revision of the statute. Recognizing that no group of students has suffered more from the consequences of low expectations and standards than economically disadvantaged children, the Commission deemed it vital to stipulate clearly in the law that the standards for all children must be the same, regardless of economic circumstance, and to recommend that the Congress provide some guidance as to the content of the high standards being sought. Moreover, given the historical and widely acknowledged federal role in assisting in the education of economically disadvantaged children, in no area is the national interest in dealing with standards clearer than it is in Chapter 1.

Having said this, the Commission does not advocate as either necessary or desirable the adoption of a single, nationally mandated set of standards. For the last several years, a number of states have been moving along parallel tracks in seeking to raise their education standards. As a practical matter, the process of raising standards is likely to move a good deal faster if all states are encouraged to participate in the process than if the federal government seeks to develop a single set of its own standards. Accordingly, Section II of the Framework places principal responsibility for the development of standards in each State educational agency. If, by the time of passage of the reauthorization, States already have adopted standards, they will need only to ascertain that their standards comply with the new federal requirements, most particularly that the standards are the same for all children. *See* II B (1)(b). While the Secretary of Education would be given the responsibility of determining the adequacy of State standards, where states fail to submit acceptable standards, they could select a set of standards from among those the Secretary has deemed acceptable. *See* II (A)(3).

The Framework calls on the Secretary of Education to adopt guidelines for the development of state standards in three areas; content, performance, and delivery. All three are connected to an overarching standard [(A)(1)(a)] defining a range of high-level skills and abilities (e.g., analytical, computational, and interpretive) that are critical elements of a modern education, and all will assist in the development of a system in which schools are held accountable for their success in educating children.

The Framework specifies the subject areas that *content* standards, the knowledge and skills that schools are required to teach, must cover. These consist of subjects, including reading, mathematics, writing, science, history, and geography, that are central to the ability of students to function as knowledgeable and contributing citizens, as well as other areas (e.g., foreign languages, and community service) where the development of some knowledge is important. [II (A)(1)(c)(iii & iv)].

In developing *performance* standards [II (A)(1)(d)], State educational agencies will be asked to provide guideposts against which to measure the progress of students at several stages of their school careers in achieving the skills and knowledge called for in the content standards. The stages are those set out *infra*, in Section VII C (1)(b), when assessments must be conducted for accountability purposes. The Commission decided after considerable discussion that the guideposts should include "partial proficiency," "proficiency," and "advanced" levels. There was some sentiment in the Commission for reducing the number of categories, prompted in part by a concern that "partial proficiency" could easily become a euphemism for "basic skills" and lead to a reinstitution of a dual standard for economically disadvantaged students. The countervailing consideration was that eliminating "partial proficiency" could lead either to a downgrading of the "proficiency" standard or to a creaming process in which schools would concentrate their attentions (to the exclusion of others) on those students who were closest to meeting the proficiency standard. Ultimately the Commission decided that its objectives would be served best by the guideposts recommended, requiring schools to focus on students who needed the most help as well as those who were closest to proficiency and ultimately requiring that virtually all students become proficient. *See also* Section VIII.

The third category, *delivery* standards [II (A) (1)(e)] recognizes that if schools are to be held accountable for meeting the content and performance standards, they ought

to receive certain kinds of inputs that will enable them to accomplish their mission. The standards focus on inputs that are linked positively with student achievement. They include two, higher quality staff development and parental involvement, that receive extensive attention elsewhere in this framework. Other inputs include clean, safe, and drug free schools; appropriate and up-to-date materials and equipment; appropriately trained and licensed staff; and adequate time for teachers to carry out essential tasks: standards that have been widely recognized as important by a variety of bodies. *See, e.g.*, National Educational Goals Panel, *Building a Nation of Learners* 24ff (1991); Council of Chief State School Officers, *Elements of a Model State Statute* 10 (1987).

The delivery standard that occasioned the most Commission discussion was (e) (iii), calling for the use of "systematic instructional practices that can be shown to help disadvantaged students" to meet the standards, along with elimination of instructional practices shown to be "ineffective." The prime question was whether a standard that sought to distinguish effective from ineffective instructional practices was capable of sufficient definition to permit implementation and enforcement. In deciding to include an "instructional practices" standard, the Commission was aided considerably by a decision of the Federal Court of Appeals for the Fifth Circuit in *Castaneda v. Pickard*, 648 F.2d 989, 1009-1010 (1981). The Court was faced with the challenge of fashioning a judicially manageable standard to deal with a claim for enforcement of a very broad provision of the Equal Education Opportunities Act calling for "appropriate action" to overcome language barriers. The Court decided that "appropriate action" called (1) for an appropriate educational theory, (2) for action reasonably calculated to implement the theory, and (3) for evaluation and a readiness to alter programs that prove ineffective.

Similarly, the standard suggested by the Commission here will require schools and local educational agencies to articulate the basis for their practices, to predicate their practices on research or other evidence of effectiveness, to operate in a systematic rather than an *ad hoc* way, and to conduct periodic evaluations so that practices that prove ineffective are replaced. In other words, the standard calls for a *process* that has integrity rather than prescribing the *substance* of the practices to be followed.

The Commission was also concerned that the inclusion of delivery (or input) standards could detract from the overall approach of the statutory Framework, which emphasizes accountability based on *outcomes* and seeks to provide local educational agencies and schools with greater flexibility in deciding how best to reach results. It was determined that delivery standards are necessary if schools are to be assured of the resources they need to fulfill their duties. However, proceedings claiming violations of the delivery standards would not be permitted where local educational agencies or schools had made adequate progress in meeting the required outcomes.

The Commission's conclusion that the development of new standards is a feasible enterprise that can be accomplished in a reasonable period of time is undergirded by the work of several professional groups, notably the National Council of Teachers of Mathematics. Accordingly, in specifying the duties of the State educational agency, the Framework states that standards shall incorporate the "best standards set by professional associations and learned societies." *See* II B. Ultimately, however, the Commission recognizes that the new standards are likely to be effective only to the extent that they are discussed and understood in the schools and communities that are principally responsible for their implementation. To accomplish this objective, the Framework calls for a process of public consultation prior to State educational agency adoption of standards [II (B) (2)], wide dissemination by State educational agencies after approval [II (B) (3)], and action by local educational agencies to stimulate discussion of standards, to supplement them if need be, and to examine the fit between curriculum and instructional strategies and standards [II (C)]. The local effort should promote in each community and school a sense of ownership regarding the standards.

Taking these factors into account, the Framework in subsection B(1) calls on State educational agencies to submit their standards to the Secretary by June 1, 1996. The goal would be to have new standards and assessments approved and in place so that the assessments can be administered in the spring of 1997.

SECTION III

ELIGIBILITY AND FISCAL REQUIREMENTS

A Local Educational Agencies

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCIES. A local educational agency shall be eligible for a grant under this Act if the number of children from low-income families residing in the district is at least 10.

(2) "CHILDREN FROM LOW-INCOME FAMILIES" DEFINED. [The number of children to be counted and the definition of child poverty contained in §1005(c) should be retained in the reauthorization, subject to modification.]

(3) ALLOCATIONS

(a) Each State educational agency shall determine the percentage of children in low-income families, as defined by Section III A (2), in each eligible local educational agency and shall rank all eligible local educational agencies from lowest to highest concentration of such children.

(b) Each State educational agency, after subtracting all State educational agency expenses allowable under Section III B (3) from the State allocation, shall award grants to eligible local educational agencies on a weighted per-child basis according to the formula specified in subsection (3)(c).

(c) The Commission recommends that Congress devise a new Chapter 1 funding formula whose overriding purpose is to allocate funds to the areas of greatest poverty concentration. The new formula should embody the following concepts:

(i) Basic and concentration grants should be collapsed into one category: grants to local educational agencies.

(ii) Grants should continue to be allocated on a local educational agency basis and not on a school basis within states. Almost all local educational agencies currently eligible should continue to be eligible for some Chapter 1 money.

(iii) The weighting system should be designed to redistribute money within states from low-poverty to high-poverty districts. The losses some districts might incur as a result of such a redistribution should be mitigated by increases in the appropriation and not by hold-harmless provisions.

(iv) High-poverty school systems should receive higher per-pupil allocations than low-poverty school systems.

(v) The weighting system should be graduated, with weights increased in small increments as the poverty rate of the districts increases.

(vi) A positive weighting factor for high *numbers* of poor children (in addition to high percentages) should be included in order to target additional funds to urban areas within large school systems. There is a provision to this effect in the concentration grant formula in current law.

(vii) Congress should consider the relative merits of allocating money to local educational agencies on the basis of the Census Bureau's child-poverty data versus free lunch eligibility data.]

(4) ELIGIBLE SCHOOLS

A public school is eligible to participate in programs funded under this Act if:

(a) the percentage of children from low-income families enrolled in the school is 30 percent or greater; or

(b) the percentage of children from low-income families enrolled in the school is substantially equal to, or greater than, the percentage of children from low-income families in the local educational agency as a whole.

(c) Notwithstanding the ineligibility of the schools under subsections (4)(a) and (b), a public school is eligible if it is participating in a desegregation plan and the number of low-income children enrolled in the school is at least 100 or represents at least ten percent of the total school enrollment.

(5) PARTICIPATING SCHOOLS

(a) A local educational agency shall select schools to participate in programs under this Act (hereinafter referred to as "participating schools") from among eligible schools in the local educational agency.

(b) A local educational agency shall select only that number of schools in which it determines, on the basis of available funds, that high-quality programs can be designed and conducted in a manner reasonably calculated to ensure that all children

in attendance at such schools will achieve the standards required by Section II.

(c) If the cost of providing high-quality programs specified in subsection (5)(b) in the number of schools determined to be eligible pursuant to subsection (4) exceeds the local educational agency's allocation of funds, the local educational agency shall then rank all eligible schools from highest to lowest within each grade span grouping, or for the entire local educational agency, according to relative degree of concentration of children from low-income families. A local educational agency may select an eligible school to participate only if all other eligible schools which are ranked higher are also selected.

(d) Notwithstanding subsection (5)(c) above:

(i) If an eligible school was selected to participate in the immediately preceding fiscal year, a local educational agency may continue its participation for one additional year even though the school would not otherwise qualify as eligible for that year.

(ii) With the approval of the State educational agency, eligible schools that have higher proportions or numbers of children from low-income families may be skipped if they are receiving, from nonfederal funds, programs and services of the same nature and scope as would otherwise be provided under this Act.

(e) Allocations—A local educational agency shall allocate funds to participating schools under this Act equally on the basis of the number of children from low-income families enrolled.

(6) ELIGIBLE CHILDREN

Nothing in this Act shall be construed to prohibit the participation of any child in a program or activity funded in whole or in part under this Act on grounds that the child has not been identified as educationally deprived.

(7) FISCAL REQUIREMENTS

(a) Use of Funds—A local educational agency may use funds received under this part only for education programs and activities which are designed to facilitate the attainment by students and schools of the standards set forth in Section II. Such programs and activities may include:

(i) preschool through secondary instructional programs, including programs conducted before, during, and after the regular school day and during the summer;

(ii) staff and parent development and training, including released time;

(iii) planning and implementing schoolwide improvement initiatives to improve instruction and other education reforms;

(iv) assessment and evaluation;

(v) acquisition of equipment and materials, including books, computers, and other instructional resources;

(vi) bonuses provided pursuant to Section VIII to participating schools that have made adequate progress; and

(vii) activities undertaken pursuant to Section VI designed to increase eligible students' access to health and social services, provided funds are spent in accordance with subsection VI(C)(4).

(b) A local educational agency may target funds received under this Act to particular grade levels or subjects in a participating school or schools, or to supplement funds under this Act with funds from private and other nonfederal public sources, provided that the local educational agency is otherwise in compliance with the requirements of subsection (7)(c).

(c) Fiscal Equity

(i) Comparability—[The intradistrict comparability requirement in §1018(c)(2)(A) of current law should be retained, but strengthened to specify that comparability is required as to per-pupil expenditures as well as all services, including the "essential educational services" defined in subsection (B)(2)(c)(i), *infra*.]

(ii) Maintenance of Effort—[Congress should retain the concept of maintenance of effort in current law, §1018, and specify that both State *and* local educational agencies must maintain fiscal effort.]

(iii) Supplement Not Supplant—[Congress should retain the concept in current law, §1018, that Chapter 1 funds must be used as a supplement and not to supplant funds available from nonfederal sources. Under the new Framework, however, the provision would apply as to children who attend participating schools rather than as to children identified as "educationally deprived."]

B State Educational Agencies

(1) GENERAL REQUIREMENTS

A State educational agency shall be eligible to receive funds under this Act, provided it is in compliance:

(a) with all relevant portions of this Act including standards, assessment, enforcement, statewide comparability, and health and social services; and

(b) with all other applicable federal law.

(2) STATEWIDE COMPARABILITY

(a) Purpose—The purpose of this section is to ensure statewide comparability among local educational agencies of essential education services provided to disadvantaged children with funds from sources other than this Act.

(b) By September 1998, each State educational agency shall provide in its application for assistance, assurances to the Secretary of Education that as to essential educational services, on a statewide basis all children enrolled in participating schools receive from non-Chapter 1 sources comparable services for comparable needs, regardless of the local educational agency or school attendance zone in which they reside.

(c) Definitions

(i) "Essential educational services" shall include preschool child development programs; reading programs in the early grades; adequate pupil-staff ratios in the classrooms; counseling, health, and social services; the education and experience of teachers, including the distribution of experienced and inexperienced teachers among schools and local educational agencies, certification of teachers, including National Board certification, and assignment to teach in their area of certification; a broad and comprehensive curriculum, including appropriate courses at each grade level designed to teach the advanced skills and knowledge called for under subsection II A; and services for limited-English-proficient students.

(ii) "Comparable services" refers to services of substantially equivalent nature, duration, intensity, method, and effectiveness.

(iii) "Comparable needs" refers to identified needs of children for services to address substantially similar needs, problems, or conditions, and may be measured in terms of age or grade level, family income, and behavioral and academic indicia of need.

(d) By June 30, 1995 [1 year after enactment], the Secretary of Education shall promulgate regulations calling for the collection of data from local educational agencies necessary to fulfill the purposes of this Act and setting forth standards to determine whether, among local educational agencies in a state, essential educational services are comparable within a reasonable range.

(e) By June 30, 1996, the Secretary of Education shall report to the Congress and the public data that will permit an assessment of the impact of state public school finance systems on the availability of services to disadvantaged students.

(f) Sanctions. A State educational agency which fails to comply with the statewide comparability requirements set forth in subsections (2)(b) and (c), *supra*, shall not be eligible for funds under the Elementary and Secondary Education Act.

(3) ALLOCATIONS

Prior to its allocation of Chapter 1 funds to eligible local educational agencies, a State educational agency:

(a) shall reserve eight percent of the annual appropriation in 1994 and 1995, seven percent in 1996 through 1998, and four percent each year thereafter to fund the school improvement programs and activities specified in subsection IV A (2)(c); and

(b) may reserve:

(i) up to 1.5 percent of its State award under this Chapter for program administration, including compliance with the provisions of Sections VI and VIII, and

(ii) up to 1 percent of its State award under this Chapter in years 1994, 1995, and 1996 and up to .5 percent in each year thereafter for development and implementation of the assessment program authorized by Section VII.

★ The Commision's Commentary on Eligibility and Fiscal Requirements

INTRODUCTION

In carrying out its work, the Commission has been made acutely aware of the pervasive conditions of deprivation that plague our Nation's poorest schools.[2] Resource disparities between rich and poor districts have widened over the life of Chapter 1 and since the Supreme Court's 5-4 decision in 1973 foreclosing a role for the federal courts in redressing inequities created by State school finance systems.[3] At the same time, research continues to demonstrate a clear achievement gap between children who attend schools with high concentrations of low-income students and those who do not.[4] Many of the schools with the greatest concentrations of students in poverty are located in districts that are property poor and that lack the resources to meet basic education needs. These twin problems mean that most of our poorest schools today are not even close to being able to meet the high standards for content, delivery, and performance set forth in the preceding section, and that if the new assessments called for in Section VII were administered tomorrow, many urban and poor rural schools could not demonstrate proficiency.

If children, regardless of their economic circumstances, are to have the opportunity to learn at high levels, these conditions must change dramatically. We have learned that needed changes cannot be accomplished exclusively by state courts and elected officials. Even in states that have made serious efforts at fiscal reform in recent years, serious inequities have persisted, in part because of a widening gulf in property wealth in areas within the State. Federal participation is needed to fulfill the government's responsibility to secure equality of educational opportunity. Accordingly, the Framework calls for bold action to stimulate, through fundamental revisions in Chapter 1's eligibility and fiscal requirements, several needed changes:

First and foremost, for the accountability provisions of the Framework to work, resources first must be directed to where they are needed most, to schools and school districts with high concentrations of children from low-income families.[5] Both the federal government and the States have a role in this process. If we do not ensure adequate resources, the promise of education reform and improvement at the federal, State, and local levels will have little practical meaning to the millions of children in this country who live and go to school in poverty.

Second, once schools and school districts have obtained the necessary resources, it makes sense to trust their judgment and give them the flexibility to determine how best to deploy the resources to meet the needs of all children in obtaining a first-rate education. The Commission seeks to give educators that freedom by eliminating much of the paperwork, rigid student- selection criteria, and restrictions on uses of Chapter 1 funds that have stymied creativity and innovation in the program in the past.

Finally, while removing student eligibility regulations that hamstring schools and districts in deploying resources, the Framework retains and strengthens safeguards in the law that are designed to assure equitable distribution of resources within districts and that Chapter 1 truly supplements and does not supplant existing resources.

SECTION-BY-SECTION ANALYSIS

1. Eligible Schools and School Districts

A recent Department of Education study shows 64 percent of all schools and 76 percent of all elementary schools receive Chapter 1 funds. U.S. Dept. of Education, *Chapter 1 Implementation Study, Interim Report* 1-4 (1992). The Commission believes that Chapter 1 funds must be more intensively targeted, to our Nation's

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[2] *See, e.g.*, J. Kozol, *Savage Inequalities: Children in America's Schools* (1991); W. Taylor and D. Piché, *A Report on Shortchanging Children: The Impact of Fiscal Inequity on the Education of Students at Risk*, Committee on Education and Labor, U.S. House of Representatives, 101st Cong. 2d Sess. (1990) [hereinafter cited as *Shortchanging Children*].

[3] *San Antonio Ind. School Dist. v. Rodriguez*, 411 U.S. 1 (1973).

[4] *See, e.g.*, U.S. Department of Education, *National Assessment of the Chapter 1 Program: The Interim Report* 92, 158, and 160 (June 1992) [hereinafter cited as *Chapter 1 Interim Report*]; J. Anderson, Poverty and Achievement: Re-Examining the Relationship Between School Poverty and Student Achievement (paper presented at the annual meeting of the American Educational Research Association, 1992); U.S. Department of Education, Office of Educational Research and Improvement, *Poverty, Achievement and the Distribution of Compensatory Education Services* 11-29 (1986); U.S. Department of Health, Education and Welfare, *Equality of Educational Opportunity* (1966) [hereinafter cited as *The Coleman Report*].

[5] *See, Chapter 1 Interim Report, supra* n.4, at 158 and sources cited therin.

most impoverished schools and school districts. As indicated earlier in this Commentary, the current Chapter 1 allocation to these schools is barely (and often *not*) sufficient to pay for basic needs routinely provided with nonfederal revenues in average and high-wealth districts, and is not the supplement Congress envisioned. The provisions in subsection A governing eligible local educational agencies [(A)(1) and (2)], allocations to local educational agencies [(A)(3)], and school selection [(A)(4) and (5)] are intended to change the current practice of disbursing Chapter 1 funds so widely that effective service cannot be rendered in truly needy schools and school districts.

a. Eligible Local Educational Agencies

The provisions in subsection A, while endeavoring to target more funds to needier areas, recognize a need to continue to provide federal aid to the vast majority of local educational agencies currently eligible.

Subsection A (1) establishes a minimum of ten low-income children at the *district* rather than the current county level [*See* subsection 1005(b)] in determining local educational agency eligibility. This is intended to increase slightly the poverty floor needed for local educational agencies eligibility, but should not result in any local educational agency with a sizable population of poor children losing its Chapter 1 eligibility.

Subsections A(2) and A(3)(c)(vii) provide place-holders for Congress to define the basic term "children from low-income families." While recommending at this juncture in subsection A(2) that the current definition, which is based largely on Census bureau decennial counts of children in poverty, be retained, we acknowledge there are serious undercount and timeliness problems associated with this approach. Thus the Commission would not foreclose the possibility that other effective means of calculating child poverty may emerge. For example, the Department of Agriculture's school lunch eligibility data provide more up-to-date estimates of the numbers of children living at or near poverty. One proposal recently put forth would adjust the Census counts to reflect annual increases in lunch eligibility. *See* U.S. Government Accounting Office, *Remedial Education: Modifying Chapter 1 Formula Would Target More Funds to Those Most in Need* 9 (1992).

Subsection A(3) recommends the adoption of a new funding formula for local educational agency grants. Essentially, this new formula would provide that the greater a local educational agency's poverty concentration, the greater its Chapter 1 grant will be on a per-poor-pupil basis. Thus, a 75 percent poverty district would receive more per-poor-pupil than a 50 percent poor district, which, in turn, would receive more than a 25 percent poor district. The Commission considered several actual formulae recommended by members with expertise in school finance but stopped short of endorsing any one approach. The Commission realizes it has neither the technical expertise to design the perfect solution, nor the desire to launch a debate over any one approach. Rather it seeks to articulate the overarching equity concepts reflected in subsection A(3)(c).

A key element of the proposed formula Framework is the abolition of the current statutory division of Chapter 1 grants to local educational agencies into basic and concentration grants and replacement with a funding formula that will channel significantly more money to high-poverty districts than occurs under the current basic and concentration grant framework. The Commission realizes that to accomplish this objective, Congress must be prepared either to reduce aid concurrently to school districts with lower concentrations of poor children, or to substantially increase the overall appropriation so as to "hold harmless" such districts.

Concentration grants have been viewed as a progressive feature of the funding formula because they were designed to target additional dollars to high-poverty areas. The Commission endorses this concept and recognizes that children from low-income families who live and go to school in areas of very high poverty are at the greatest risk of educational failure. Meeting the needs of such children must be accorded the highest priority in the new Congress. *See Chapter 1 Interim Report, supra* note 4. The Commission believes, however, that under current law concentration grants (1) are not concentrated enough in truly needy areas and (2) are too small a percentage of the total grants to local educational agencies [8.3 percent in Fiscal Year

1990] to really make a difference in local educational agencies with the highest poverty concentrations. For example, a county is eligible for concentration grant money if 6,500, or 15 percent, of its children meet the statutory poverty requirements. Under this formulation, however, 75 percent of all formula children (children from low-income families) live in counties that receive concentration grants. *See* S. Barro, *The Distribution of Federal Elementary-Secondary Education Grants Among the States* (U.S. Department of Education, 1991).

As an alternative to the current approach, the Commission recommends the concept of weighted grants outlined in subsections A (3) (a) and A (3) (c) (iii) (vi) as the measure most likely to concentrate funds where they are most needed. These subsections require a ranking of school districts according to their concentration of poverty and would provide larger per-pupil awards to districts with higher concentrations. Under such a system, per-pupil awards are graduated, with every local educational agency receiving at least a minimum amount. The advantage of this system is that it is not "all or nothing" for an eligible school district that has substantial poverty rates, but that may not qualify for concentration grants under current rules.

An alternative to the Commission's recommended approach might (1) increase the percentage of the appropriation earmarked for concentration grants from the current 10 percent and reduce the basic grant appropriation accordingly; and (2) modify the rules for concentration grant eligibility so that fewer local educational agencies are eligible.

The Commission also considered, but did not approve, a number of other options to restrict school district eligibility, including:

(1) requiring states to allocate Chapter 1 funds only to districts above the state's median poverty level;

(2) ranking all *schools* in each *state* on the basis of poverty, then determining a school-eligibility threshold; and awarding Chapter 1 funds on this basis. Local educational agencies with no schools above the percent-poverty threshold would receive no Chapter 1 funds; and

(3) reducing the number of local educational agencies eligible for Chapter 1 funds by deeming ineligible a small but significant number of districts (e.g., 10 percent of local educational agencies) with relatively high wealth and/or small concentrations of poor children.

The approaches in (1) and (2) were rejected, in part because a significant number of local educational agencies could be rendered ineligible, and in part in the case of option (2), because several Commissioners feared that such an approach would reward local educational agencies for maintaining socioeconomically isolated schools and failing to desegregate them, and could even encourage resegregation.

The intent of proposal (3) was to eliminate the Chapter 1 eligibility of a small number of the wealthiest districts in each state. Under such a proposal, an affluent suburban district could lose its Chapter 1 funds, although it enrolls thousands of children from low-income families. Whatever the substantive merits of the proposal, it was deemed politically not feasible.

b. Eligible Schools

As to eligible schools, the statute (§1013) and regulations (34 CFR §200.30) currently require local educational agencies to serve those schools with the highest concentrations of poor children in the district. This concept would be retained in subsections A(4) and (5) but the rules for determining the number of schools to be served are amended here to restrict the ability of local educational agencies to spread out Chapter 1 funds too widely. As noted earlier, approximately three-fourths of all elementary schools qualify under current eligibility rules for Chapter 1 funds, as do half of all middle schools and one quarter of all high schools. *See Chapter 1 Implementation Study* at 1-4. Many of these schools do not have large concentrations of low-income students; and, as a consequence, many children served by the program are neither poor nor living in high-poverty communities. *See Chapter 1 Implementation Study* at 1-9 (finding 55 percent of Chapter 1 students attend schools with poverty enrollments of 21 percent or less).

In order to ensure that Chapter 1 dollars are used to serve greater numbers of children disadvantaged by poverty, the Commission recommends that the current "no-wide variance rule" be eliminated, that the "25 percent poverty rule" be raised to 30 percent and that the district-poverty rule be retained. Subsection A(4).

The "no-wide variance" rule [§1013(b)(1) in current law] allows many relatively small school districts to conduct Chapter 1 programs in all their schools. Eliminating this criterion for school selection could result in many of those schools no longer being eligible, and therefore, in further concentration of resources.

> ***Example:*** District A has two elementary schools, one at 3 percent poverty, the other at 13 percent poverty. Under "no-wide variance," both schools are within 5 percent of the districtwide poverty level of 8 percent and thus eligible for Chapter 1. Under the Commission's recommendation to eliminate "no-wide variance," only the 13 percent poverty school would remain eligible. (It would remain eligible because it is at or above the districtwide poverty level.)

Subsection (4)(a) changes the current "25 percent-poverty" rule [§1013(b)(2) in current law] to 30 percent. Thus, any school above 30 percent poverty is eligible for Chapter 1. Historically, the 25 percent rule has permitted districts with very high overall poverty rates to spread Chapter 1 funds more broadly, funding the schools that are the least poverty-stricken within the district. The rationale for changing the threshold to 30 percent is to tighten up the requirement slightly while maintaining the general principle that a high-poverty school should not be *in*eligible for Chapter 1 just because it is located in a district with an even higher overall poverty.

> ***Example:*** District B has a districtwide poverty rate of 60 percent. Its schools range from 25 percent to 85 percent poor. Under current law, the district could choose to serve all its schools. Under the recommendation in subsection (c)(1), however, those schools between 25 percent and 30 percent would be ineligible; and, as a consequence, more money might flow to those schools with higher poverty rates.

In subsection (4)(b), the "at or above median poverty level" rule is retained. Although poorer districts could continue to rely on the 25 percent (now 30 percent) rule to serve a majority of their schools, this rule, when applied to a wealthier district, would narrow the number of eligible schools. (See example for District A, *supra*).

Subsection (4)(c) is an adaptation of current law and regulations permitting Chapter 1 dollars to "follow the child" where schools become desegregated. The longstanding policy dilemma is how to keep Chapter 1 resources targeted to schools with high concentrations of poverty where they are most needed without creating a monetary incentive to local educational agencies to isolate schools by race and socioeconomic status. This subsection seeks middle ground by permitting local educational agencies to direct funding to otherwise ineligible desegregated schools if they have a critical enough mass of low-income children to indicate a need.

Subsection (5) establishes a new statutory concept, that of a "participating school," in order to communicate clearly to local educational agencies that all "eligible" schools need not be served under the program, particularly if to do so would compromise quality. If the local educational agency's allocation is insufficient to fund high-quality programs in all eligible schools, the local educational agency would be required to select from among such schools only those in which it can afford to run high-quality programs. Under these circumstances, the local educational agency must select the schools with the highest concentrations of low-income children to participate. *See* subsection D (3). A similar provision exists under current law, §1013(b)(3).

Subsection (5) (d) retains two additional but relatively minor provisions currently in the law regarding school eligibility.

Subsection (5) (e) introduces a new concept to Chapter 1 that *funds should flow to participating schools strictly on a poverty basis and not on the basis of poor student performance.* In embracing this concept, the Commissioners hope to eliminate a built-in disincentive to succeed under the current Chapter 1 model. Currently, once a school is selected to participate in Chapter 1, the amount of money it receives from the local educational agency is based not on the number of formula (low-income) children (usually calculated on the basis of free lunch eligibility), but on the basis of relative educational deprivation (usually calculated based on standardized test scores) [subsection 1013(c) of current law]. Thus, among schools of comparable size, more resources generally flow to the schools with the lower test scores. A

number of commentators have observed that when schools improve their performance, they lose money, and that this may provide an incentive for Chapter 1 schools to maintain poor or mediocre student performance. *See, e.g.*, B. Turnbull, Testing in Chapter 1: Issues and Options (Washington, D.C.: Policy Studies Associates, 1991).

2. Eligible Children

The Commission proposes the sweeping change regarding student eligibility in subsection A (6) with the understanding that such a departure from current practice will be workable and desirable only if all of the core proposals in this Framework are adopted concurrently. Together, these interrelated elements comprise what, in the Commission's vision, will be a radically different and ultimately more effective Chapter 1 program. These critical elements include the following:

(a) Performance standards that require improvement of all students, not only of marginally unsuccessful students and standards that require schools to demonstrate improvement by all children, as well as by low-income children, at every level of proficiency (Section II);

(b) delivery standards that will assure appropriate learning conditions (Section II) and vigorous professional and organizational capacity building (Section IV);

(c) a decrease in the number of eligible schools and concurrent shift of additional Chapter 1 dollars to schools that are eligible (Section III);

(d) statewide comparability of essential educational and services to assure adequate resources (Section III);

(e) improved requirements for intradistrict comparability so that schools in poor neighborhoods do not get less than those in wealthy neighborhoods in the same school district (Section III);

(f) effective parent education and involvement programs (Section V); and

(g) an outcome-based system that includes both rewards and sanctions (Section VIII).

Without these and other provisions in this Framework, the Commission doubts that the new student eligibility section standing alone will yield any real improvement in student outcomes. In fact, in and of itself, the proposed change will be perceived and treated as unrestricted general aid to schools, an approach that has been discredited and that should be avoided.

The effect of subsection (6) is to repeal virtually all provisions currently in the law regarding student eligibility. The Commission's rationale is two-fold.

First, Chapter 1 needs to move to a whole school approach. Chapter 1 programs have tried to improve outcomes for low-achieving students by supplementing classroom instruction with small doses of something different—small-group work, help from a specialist, computer-assisted instruction, etc.—for selected individuals. This has not worked well enough. Because students spend the great majority of their time in the regular classroom, the classroom program itself must be strengthened. The relaxation of student-eligibility rules will result in benefits to all students in the schools, but we are proposing it because we believe it is the most powerful strategy for helping those students who have always been the primary concern in Chapter 1 and Title I—educationally disadvantaged students in low-income areas.

Second, educators have viewed the rigid rules in §1014, designed to label children through annual testing as "educationally deprived," as an impediment to effective teaching. Teachers know that often a child who "tests into" the Chapter 1 program in the spring may not need extra help the following winter. Conversely, many children (often virtually all students) in a given class over the course of an academic year, who do not score in the bottom percentiles on the Chapter 1 qualifying tests could use an extra boost now and then. Under this Framework, teachers and other professionals at participating schools will have significantly enhanced power—indeed responsibility—to undertake schoolwide initiatives, to select individual students for extra help when needed, and to determine the duration and manner of service. They would be freed up to introduce innovative and more personalized approaches than the current rules, with the reliance on annual norm-referenced testing, have permitted.

The Framework, here and elsewhere, is designed to allow schools the flexibility to do whatever they deem necessary in order to meet

the new performance standards, all in accord with their student achievement plans and the provisions for individual student assistance in Section IV. In exchange for this new freedom, schools will be held accountable for achieving results in accordance with Sections II (Standards) and VIII (Enforcement).

There is a minority view on the Commission regarding subsection (6), however, which is that Chapter 1 funds should be spent for reform of the whole school only in those schools with very high concentrations of students from low-income families rather than in all schools that receive Chapter 1 funds. This view is based on research conducted for the mid-1980s for the National Assessment of Chapter 1 which found that:

> schools serving high concentrations of poor students had greater proportions of low-achievers than schools with relatively fewer poor students (47.5 percent low-achievers versus 11.9 percent low-achievers). Further, the incidence of low-achievers is larger among both poor and non-poor students in schools serving higher proportions of poor children. U.S. Department of Education, *Poverty, Achievement and the Distribution of Compensatory Education Services* 21-22 (1986).

3. Fiscal Requirements

(a) Use of Funds—The fiscal provisions in subsection (7) apply on an intradistrict basis. Interdistrict requirements are spelled out elsewhere in this subsection [(B)(2)].

Subsection A (7)(a) sets forth permissible uses of funds. The overarching goal of any expenditure, of course, must be the attainment of the standards required under Section II.

This subsection [(7)(a)] and the previous subsection [(6)], when read together, are designed to permit all schools, to conduct their affairs as if they were, in effect, "schoolwide projects" under the current statute [§1015]. But this Framework goes well beyond the "schoolwide project" model in that a) the old requirements for schoolwide projects (prior approval, detailed plans, and reporting requirements, etc.) would be repealed and b) all participating schools will be held accountable for the progress of all students, regardless of how they decide to use their money. There is no such accountability under current law.

Subsection (7)(b) clarifies, consistent with this flexible approach to use of funds, that a school may choose to target its Chapter 1 dollars to particular grade levels or subjects. For example, a school could well decide to invest its Chapter 1 resources in the preschool and early elementary grades on the theory that early intervention is critical to preventing learning deficiencies later on. Or, a school might concentrate its resources on an intensive reading program (e.g., Success for All or Reading Recovery) in the belief that success in other subjects depends on good reading skills.

(b) Intradistrict Fiscal Requirements— The Commission has concluded that the conceptual underpinnings of the fiscal requirements currently in the law [§1018] are fundamentally sound and should be retained in the reauthorization. The Commission also realizes, however, that several modifications to the provisions will need to be made in order for them to comport with the new Framework.

As to *comparability*, the Commission recognizes that the current provisions in the law and regulations have not effectively cured the maldistribution of education resources *within* districts. For example, parents in the Los Angeles Unified School District (LAUSD) recently settled a lawsuit they brought against LAUSD alleging unequal allocation of resources between schools attended by minority and low-income children and those attended by others. *See Rodriguez v. Los Angeles Unified School District*, No. C-611-358 (Los Angeles County Superior Court, Aug. 26, 1992).

The Commission recommends both a toughening of enforcement by the Department of Education and an expansion of the services required under the law to be comparable. Specifically, the Commission would favor retaining the current requirements (including a districtwide salary schedule, and equivalence in the provision of materials and supplies) and expanding the definition of comparability to encompass all services identified as "essential educational services" for purposes of interdistrict, or statewide, comparability. *See* subsection B (2)(c)(i), *supra*.

4. Commentary on Chapter 1 Eligibility and Limited-English-Proficient (LEP) Students

The Commission believes the historic exclusion of children with limited English proficiency from the Chapter 1 program is wrong. Such children are often both language minorities and living in poverty; as such they are often at high risk of school failure. Despite this, there is growing evidence that many school districts systematically and routinely exclude LEP students from the Chapter 1 program.[5]

There are at least two explanations for the exclusion. First, the law itself provides that:

> Children receiving services to overcome a handicapping condition or limited English proficiency shall also be eligible to receive services under this part, if they have needs stemming from deprivation and not related solely to the handicapping condition or limited English proficiency. Such children shall be selected on the same basis as other children identified as eligible for and selected to receive services under this part. Funds under this part may not be used to provide services that are otherwise required by law tobe made available to such children. [§1014(d)(1)].

Because assessments that are capable of distinguishing limited English proficiency from educational deprivation often do not exist, local educational agencies have difficulty employing procedures to appropriately select LEP students.

Second, there has been an unwillingness on the part of many school officials at the local level to serve LEP students in Chapter 1 because of their erroneous belief that LEP students' needs can or should be met exclusively by the Federal Bilingual Education Act (Title VII), or through state and locally funded programs designed to address language proficiency.

As to the first factor, the Commission's Framework would repeal §1014(d)(1). The Framework would make no distinction in the law between LEP and non-LEP students regarding eligibility. Because *all* students in participating schools in effect would be "eligible," LEP students necessarily would be eligible as well and no longer could be excluded from programs funded with Chapter 1 dollars on the basis of their language proficiency. Moreover, such exclusion would violate Title VI of the Civil Rights Act of 1964, and proceedings could be brought by LEP children or their parents in federal court, or by the Department of Education, to require compliance.

As to the second factor, every school and school district that receives Chapter 1 money will be held accountable for the progress of all students, including LEP students, regardless of whether such children are also served under Title VII or any other program.

5. Eligible State Educational Agencies

Section (B)(1) clarifies that a state is eligible for Chapter 1 funds only if it complies with the "up-front" requirements of the Act pertaining to, among other things, the setting of standards, development of new forms of assessment, provision of health and social services, and assuring comparability of resources among school districts. The specific obligations of the States with regard to these matters are contained in Sections II (Standards), VII (Assessment), VI (Health and Social Services), and VIII (Enforcement). States' obligations with regard to assuring resource equity are addressed both here in B(2), *infra*, and to a certain extent in the provisions on delivery standards set forth in subsection II(A)(i)(e).

6. Statewide Comparability

The Commission's recommendations for statewide comparability are based on the growing understanding that Chapter 1 has been based on a faulty premise—that funds and services provided to school districts from state and local sources are "comparable" and that federal assistance is a

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[5] The Commission notes the findings of several recent studies concerning LEP students' access to Chapter 1 services:

- A recent study by WESTAC, commissioned by the Department of Education, found, among other things, that: 1) districts consider students with low scores on English language proficiency tests to be ineligible for Chapter 1 reading and math services and therefore do not assess them for Chapter 1. This means that LEP students are automatically excluded because of their LEP status. No other attempt is made to determine whether LEP students are performing at or below grade level. For example, if districts test in the native language of the student and find that the students are performing below their peers, then it can be established that they are also "academically disadvantaged" and therefore eligible for Chapter 1; and 2) few states make more than modest efforts to inform their districts that LEP students may be served in Chapter 1.

- In 1986, the Council of Chief State School Officers conducted a survey of Chapter 1 State Coordinators eliciting information about types of services provided to LEP students under Chapter 1. Of the 31 respondents, 12 noted that no Chapter 1 services were provided to LEP students. 26 Concerns (March 1989).

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supplement. The premise is faulty because state fiscal inequity is so pervasive as to render this notion of a level playing field a fiction. A recent report to the House Education and Labor Committee, for example, found widespread disparities among the poorest and wealthiest districts in states with regard to learning conditions:

- *Preschool.* In *Texas*, a number of the poorest districts cannot participate in state-funded preschool because they lack facilities and matching funds. In *Maryland*, the vast majority of children in affluent Montgomery County have the opportunity to attend public and privately sponsored preschool programs while in Baltimore City, at least half the children did not attend preschool.
- *Class Size.* In *Montana*, teacher/student ratios in wealthy districts were as low as 1:13, while in poorer districts they were in the twenties or low thirties. One poor district in *New Jersey* (Irvington) enrolled 28 percent of elementary students in classes of more than 30 while wealthier districts (e.g. South Brunswick) had no classes of more than 30.
- *Teachers.* In wealthy districts in *Pennsylvania, New York, Maryland* and *New Jersey*, teachers were better trained and had more experience than those in the poorest districts in these states. Courts also found teachers were paid better in wealthier districts in *Kentucky, Maryland*, and elsewhere.
- *Curriculum.* In the wealthy Princeton, *New Jersey*, school district, there was 1 computer for 8 children, while the city of Camden's schools had 1 for 58. In *Texas*, many poor Texas districts offered no foreign language, chemistry, calculus, college preparatory or honors program.

See Shortchanging Children, Chapter V.

These disparities, in practice, mean that property-wealthy districts routinely are able to provide to all their public school students important services that are not available to economically disadvantaged children in property-poor districts, even with Chapter 1 assistance.

As long as the Chapter 1 program remains only a small portion of total education expenditures, this condition can only be corrected by a federal requirement that states ensure equality in the provision of critical services to all public school students. Current law requires comparability of services between eligible and noneligible schools, but only on an *intradistrict* basis. Section 1018(c); U.S. Department of Education, *Chapter 1 Policy Manual* 101 (1990). The Commission proposes here in subsection B (2), to extend the comparability requirement to apply on an *interdistrict*, or statewide, basis and to encompass a range of vital services not covered under current law.

As a first step, the Department of Education will need to secure the information needed to determine compliance. The Commission is aware that some of this information currently is being compiled by the Bureau of the Census and the National Center for Education Statistics. Other data, particularly with respect to educational services, is not now being collected but will need to be collected as provided by subsection B (2)(d) in order to enforce the requirements of subsection B (2). Although some data will still be lacking, Congress should consider an early target date for the Secretary's first report, and should require that the reports be updated no less frequently than every five years so that the data will be current enough to permit implementation of federal policy. Subsection B (2)(e) recommends that the first report be completed by June 1996, two years after the anticipated effective date of the reauthorized Chapter 1.

The approach proposed by the Commission in subsection B (2) *requires comparability of services and not of per-pupil expenditures.* In this regard, it is narrower, and thus more politically feasible, than alternatives which would require across-the-board equalization of expenditures or tax bases. The key advantage is that it permits greater variations in actual dollar expenditures as long as essential services are comparable and would avoid penalizing jurisdictions where costs are high. Compliance with this section could be achieved by states using any combination of state, private, and (non-Chapter 1) federal revenue sources. The disadvantage of an approach based on comparable services is that it is more complex to administer. The Commission recognizes and, indeed, recommends that further study may be necessary to develop a workable plan for measuring and enforcing statewide comparability. For example, while

the standard proposed in this subsection would guarantee comparable services to school-aged children, it is also necessary to develop a separate standard to assure comparable early childhood educational opportunies for preschool-aged children.

Section B(2)(c)(i) identifies those services deemed by the Commission to be "essential educational services" for disadvantaged children. Although critics of fiscal reform efforts may question whether money alone makes a difference in outcomes for children, the Commission relied on a substantial and growing body of experience and research in identifying services for inclusion.[7] We recognize that other services may be determined by Congress to be essential, too, and would recommend Congress thoughtfully examine the research and the views of education experts as to what services are vital.

While the presence of experienced, certified teachers is counted as such a service, staff salaries are excluded for purposes of statewide comparability. (It should be noted, however, that under current law, substantially comparable salaries *are* required within districts, a requirement the Commission recommends be retained. *See* 34 CFR §200.43.)

Although several potential remedies were considered against states that fail to comply with the proposed interdistrict comparability requirement, the remedy proposed in subsection (2)(f) is simple and direct: the withdrawal of federal Chapter 1 and Chapter 2 dollars. Should Congress adopt such a remedy, provision could be made for redistribution of noncomplying states' funds to other states. An alternative the Commission considered but did not adopt would be to direct the Secretary to devise a system for the Department to bypass State educational agencies in oncomplying states and to allocate grants directly:

a) to the poorest local educational agencies in the State, or

b) to the poorest schools in the State, or

c) to any otherwise eligible local educational agency.

This alternative would be complicated to carry out and may raise accountability questions. It might also undercut the State's new role in assessment, capacity-building, and enforcement.

In addition to collecting data to determine compliance, the Department will need to require each State educational agency to provide written assurance of compliance, as well as additional back-up data in its application to the Secretary for Chapter 1 funds. Thorough and aggressive enforcement by the Department with regard to this provision will be critical. *See* Section VIII.

SECTION IV

[7] *See Shortchanging Children, supra* note 2, at Chapter IV, and sources cited therein, including: Hawley, *et al., Good Schools: What Research Says About Improving Student Achievement* 61 Peabody Journal of Education 1984; Berrueta-Clement, *et al., Changed Lives: The Effects of the Perry Pre-School Program on Youths Through Age 19* (High/Scope Foundation, Ypsilanti, Michigan, 1984); R. Slavin, *et al., Success for All: First Year Outcomes of a Comprehensive Plan for Reforming Urban Education*, 27 American Educational Research Journal 255-278 (1990); Darling-Hammond, *Teacher Quality and Education* in *Access to Knowledge: An Agenda for Our Nation's Schools* (Goodlad and Keating eds.) (College Board, New York 1990); Oakes, *Multiplying Inequalities* (Santa Monica, CA: RAND, 1990).

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SECTION IV

HELP AND CAPACITY-BUILDING

A Staff Development and School Improvement

(1) GOALS

The goals of staff development and school improvement programs and activities funded under this Act are:

(a) to assure that the curriculum, assessment, instruction, support services and course placement practices at each participating school operate to enable all students to achieve at the high levels called for under this Act;

(b) to build the capacity of the school as a whole to become self-critical, self-regulating, and continually focused on improving results;

(c) to assure that individual professionals on the school team have the knowledge and skills to enable students to achieve at the high levels called for under this Act;

(d) to connect professional staff in participating schools with developments in their professions and disciplines; and

(e) to develop the capacity of school staff to work with parents so that parents may become full participants in their children's education, both at home and at school.

(2) DUTY TO PROVIDE STAFF DEVELOPMENT AND SCHOOL IMPROVEMENT PROGRAMS

(a) Participating Schools

(i) Each participating school shall plan and undertake a program of staff development and school improvement activities, in accordance with its school achievement plan and the goals specified in subsection A (1).

(ii) School Achievement Plan. Prior to receiving any funds under this Act, and every two years thereafter, each participating school shall prepare and submit to the local educational agency a comprehensive student achievement plan. The school shall involve teachers, other professional staff, parents, and in the case of secondary schools, students, in identifying needs and in developing their school's plan. The plan shall include:

(A) an analysis of student achievement patterns at the school and an assessment of students' progress in meeting the standards required under Section II; and

(B) based on that analysis:

(1) steps the school will take over the course of the academic year to ensure that increasing proportions of students meet the standards;

(2) an identification of staff development and school improvement activities the school will undertake, or participate in, to develop the school's capacity to improve student performance and to involve parents in the education of their children; and

(3) a budget and timeline for staff development and school improvement activities.

(C) The plan shall incorporate the parent involvement plan developed pursuant to subsection V B.

(D) Plans submitted before states have adopted new standards and assessment systems should be based on an analysis of available data on student achievement, on a review of content and performance standards generated by professional organizations and a comparison of instructional practice at the school with available research and professional standards of best practice.

(iii) Assistance to Students. Each participating school shall undertake measures to ensure that students who experience difficulty mastering any of the standards during the course of the school year shall be provided with effective, timely additional assistance, which shall include:

(A) measures to ensure that students' difficulties are identified on a timely basis and with sufficientparticularity to provide effective assistance;

(B) periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

(C) for any student who has not demonstrated proficiency in mastering the standards in Section II, a joint review at least annually by the student's teacher and parents, of the results of the student's assessment required by subsection VII B, at which time the teacher and parents shall also discuss: (1) what the school will do to help the student meet the standards, (2) what the parents can do to help the student improve his or her performance, and (3) additional assistance which may be available to the student at the school or elsewhere in the community; and

(D) measures to ensure that all parents, including those with limited literacy or limited English proficiency, have the necessary information and other assistance to participate fully in the review required by subsection C.

(b) Local Educational Agencies

(i) Prior to receiving any funds under this Act, and every two years thereafter, each participating local educational agency shall develop a program and budget to assist participating schools with staff development and school improvement activities required by subsection (2)(a). The local educational agency program shall be described in a districtwide plan and:

(A) shall be based on analyses of student achievement patterns for the local educational agency as a whole, and by school;

(B) shall include assistance to schools in analyzing their data, in preparing student achievement plans pursuant to subsection (2)(a)(ii), and in identifying professional development and school improvement needs and quality providers; and

(C) may also provide for coordination of professional preparation and development and parent education activities for schools with similar needs, and assistance to schools in evaluating the quality of services purchased with funds received under this Act.

In developing its program, the local educational agency shall consider the student achievement plans and budgets developed by each participating school pursuant to subsection (2)(a)(ii), and shall identify any additional programs for staff development and school improvement, including a budget, that the local educational agency may decide to undertake using Chapter 1 funds. The local educational agency shall involve teachers, other professional staff, and parent representatives in developing the systemwide plan.

(ii) Notwithstanding the requirements of subsection (2)(b)(i), each local educational agency shall submit its budget for programs funded under this Act to the State educational agency on an annual basis.

(iii) The local educational agency shall ensure that summary information about the plans developed pursuant to subsections (2)(a)(ii) and (2)(b)(i) is widely disseminated to parents and school staff, and is available to the public.

(iv) Evaluation. Each local educational agency shall ensure that all programs and activities funded in whole or in part under this section are properly evaluated. Evaluations shall be conducted according to accepted professional standards and the results made widely available to parents, school staff, and the public.

(c) State Educational Agencies

(i) Each State educational agency shall design and carry out a strategy to ensure the availability of high-quality professional development and school improvement assistance to participating schools. In consultation with local educational agencies, teacher and parent representatives, paraprofessionals, and university and other providers of staff development services, the State educational agency shall:

(A) conduct an analysis of the sources of assistance, public and private, currently available to local educational agencies and schools for staff development and school improvement and of the adequacy of these sources in enabling local educational agencies and schools to help children meet the standards required by Section II of this Act;

(B) develop initiatives to increase the kind and quality of resources available for staff development and school improvement, including but

not limited to resources to assist teachers with curriculum, instructional, and assessment strategies; to assist principals with leadership and management training; to assist counselors and school aides with techniques for supporting high achievement; and to provide school leaders, including parents, with the means to organize and sustain school improvement efforts;

(C) disseminate to local educational agencies and schools information about educational practices and programs which will assist them in meeting the standards required by Section II, including staff development programs offered by universities and private providers.

(ii) In carrying out its duties pursuant to subsections (2)(c)(i)(B) and (C), each State educational agency shall ensure to all participating schools within its jurisdiction the availability of:

(A) assistance aimed at building the organizational capacity of the school as a whole, including helping the staff to learn how to analyze student achievement data, to develop and implement plans for school improvement, to remove barriers to student success, and to monitor progress; and,

(B) assistance with particular tasks such as redesigning science curricula, improving instruction in reading, enhancing skills of key professionals, and engaging parents.

(iii) State Educational Agency Plan, Budget, and Annual Report.

(A) On or before June 30, 1995, the State educational agency shall prepare and submit to the Secretary, with its application for assistance an initial plan and annual budget for programs and activities to be undertaken pursuant to subsection (c)(i).

(B) In each succeeding year, the State educational agency shall submit to the Secretary, with its application, an annual budget, and every two years, a revised plan and self-evaluation of programs and activities conducted during the preceding years pursuant to subsection (c)(i).

(3) FUNDING REQUIREMENTS FOR STAFF DEVELOPMENT AND SCHOOL IMPROVEMENT

(a) Participating Schools

A participating school may spend up to 100 percent of the funds it receives under this Act on staff development and school improvement programs and activities authorized by this section, provided, however, that each participating school shall spend not less than 10 percent in 1994 and 1995, 15 percent in 1996, and 20 percent in 1997 and each year thereafter, of funds received annually under this Act for such programs and activities.

(b) Local Educational Agency Maintenance of Effort

[Provisions should be included to require maintenance of effort as to local educational agency expenditures for staff development. No substantial change from concept in current law is recommended. The duty to maintain effort shall be imposed on the local educational agency, as a whole, and not on the individual school.]

(c) State Capacity-Building Grants

Eight percent of the annual appropriation in 1994 and 1995, seven percent in 1996-1998, and four percent in each year thereafter shall be used by State educational agencies to carry out the requirements of this section by awarding grants to qualified recipients to fulfill the purposes of subsection IV(2)(c)(ii). These funds, in the State educational agency's discretion, may also be used to support projects conducted within the State designed to demonstrate the following:

(i) innovative staff development and school improvement strategies and to test their effectiveness in improving the capacity of eligible schools to meet the standards required by Section II; and

(ii) research-based approaches to educating disadvantaged children, including instructional, curricular, and school-organization approaches.

Qualified recipients for state capacity-building grants shall be determined by each State educational agency.

(4) ELIGIBILITY

(a) All principals and other administrators, certified teachers and other staff, and paraprofessionals employed in participating schools are eligible to participate in staff development and school improvement programs funded in whole or in part under this

section. Parents and guardians of children attending participating schools are also eligible.

(b) To the extent that State educational agencies and local educational agencies undertake staff development programs for systemwide improvements in teaching, where the beneficiaries of the programs include both children in Chapter 1 and non-Chapter 1 schools, funds awarded under this Act may be used to pay for that portion of the program's cost that can be apportioned to participants employed in Chapter 1 schools, provided however that the programs are designed with an ultimate objective of enabling students who attend participating schools to achieve at the high levels required under this Act.

(5) GUIDELINES FOR EFFECTIVE STAFF DEVELOPMENT AND SCHOOL IMPROVEMENT

(a) The Secretary of Education, by June 30, 1995, shall publish guidelines for programs and activities funded under this section, which shall include:

(i) characteristics of effective staff development programs for the education of disadvantaged children;

(ii) characteristics of effective approaches to schoolwide improvements;

(iii) characteristics of effective parent education and involvement programs;

(iv) examples of programs that have been demonstrated to be effective in achieving the purposes of this Act.

(b) In specifying the characteristics of effective staff development and school improvement in guidelines adopted pursuant to subsection (5)(a), the Secretary shall take into account factors including but not limited to:

(i) whether the program provides sufficient time (including released time for teachers) and personnel for both training and follow-up activities, including feedback to, and supervision of participants who have completed the training, and ongoing time for instructional planning;

(ii) whether staff development activities are part of an overall school improvement plan; and

(iii) whether participants are assured sufficient resources (e.g., books, other material, supplies, equipment, and aides and support staff) to use the training effectively in the classroom.

(c) The guidelines shall be disseminated widely to State educational agencies, to local educational agencies, and to parent and teacher associations.

(6) OTHER MEASURES TO IMPROVE TEACHING

(a) State and local educational agencies shall take steps to ensure that teachers in participating schools receive, from funding sources other than this Act, at least a proportionate share of staff development and other programs designed to update their skills and knowledge.

(b) State and local educational agencies are encouraged to establish other programs for teachers and paraprofessionals in participating schools to update and enhance their skills and knowledge. Such programs may include, but are not limited to, tuition reimbursement programs, internships, and participation in conferences and professional organizations. Local educational agencies may require participating teachers to make a contractual commitment to remain at their school for a period of time as a condition for receiving such training or other benefit under this subsection.

B Curriculum Development

(1) STATE EDUCATIONAL AGENCIES shall assist local educational agencies and schools to develop curriculum aligned with the State standards required in Section II by developing and disseminating curriculum frameworks, guides, or model curricula.

(2) THE FRAMEWORKS DEVELOPED pursuant to subsection (1) shall help to assure that the curriculum in participating schools is multicultural, i.e., that it is responsive to and inclusive of the culture and heritage of a variety of racial and ethnic groups and that the curriculum is accessible to all students.

C National Board of Professional Teaching Standards Certification Program

(1) ESTABLISHMENT OF PROGRAM
A new program shall be established under the Elementary and Secondary Education Act to provide bonuses to National Board of Professional

Teaching Standards (NBPTS)-certified teachers who are employed in qualifying Chapter 1 schools, the program to be funded through an appropriation separate from the Chapter 1 formula distribution.

(2) ELIGIBLE PERSONS
All persons who possess National Board of Professional Teaching Standards certification and who are employed on a full-time basis in a professional capacity in a qualifying school or schools are eligible to receive the bonus.

(3) QUALIFYING SCHOOLS
Qualifying schools shall be participating schools in which at least 75 percent of students enrolled are from low-income families.

(4) AMOUNT OF STIPEND
The stipend shall be in the amount of $2,500 per year. The Secretary shall be directed to devise a simple procedure for eligible persons, upon completion of a year of service in a qualifying school, to submit a short application, signed by his or her principal, to the Department. Stipend checks will be issued directly to the teacher by the federal government, bypassing the local educational agency, and shall be in addition to any other stipend or bonus to which the teacher may be entitled.

The Commission's Commentary on Help and Capacity-Building

INTRODUCTION

1. The Needs of Schools and School Districts

This Framework contemplates that school districts and individual schools will be held accountable in new ways. They will be expected to work a transformation in the teaching of disadvantaged children so that children can achieve at the high levels called for under the Act. To accomplish this, schools will need help of various kinds. This section focuses on practical ways this help can be furnished through Chapter 1.

Local educational agencies will be called on to facilitate the empowerment of parents, teachers, and others at the building level. At the same time, school districts and schools will be freed from certain regulations and will be given more freedom to choose instructional strategies and to allocate resources. Local educational agencies and their staffs will need assistance to fulfill their new responsibilities and to use their new resources effectively. They will need to work cooperatively to identify needs for help and capacity-building and to select effective staff development and school improvement programs. Thus, local educational agencies will become both *recipients* and *providers* of help and capacity-building.

Teachers, principals, and other professional staff at the school level also will be held accountable for taking the steps necessary to secure performance at high levels by their students. Typically, teachers and principals will be given greater latitude to design programs and to allocate resources. They may need:

- help in understanding why change is necessary and in *owning* the change process;
- continuing information: research and other developments in the subject matter they are teaching;
- access to information and training concerning effective teaching methods;
- help in learning how to analyze achievement patterns at their school and to assess overall school progress in meeting the standards called for in Section II;
- help in identifying needs and selecting priorities, assembling a plan of action, and other elements of decision-making;
- help in learning how to communicate and work with parents as partners in their children's education;
- access to information about the availability of professional and school development assistance, including that offered by State educational agencies, local educational agencies and others, and about the effectiveness of each service or program;
- the ability to select programs to meet their needs; and
- help in learning how to control and evaluate staff development and other school improvement services.

They will also need specific assistance in effectively involving parents (Section V); in developing curriculum (this section); in administering the new assessments (Section VII), and in addressing the health and social service needs of students (Section VI). Thus, this Framework

contemplates that *teachers and principals* will be actively involved in determining their needs for professional development and other assistance needed for their schools to achieve the standards required in Section II.

Many Chapter 1 programs employ *aides or paraprofessionals* to assist certified staff. In general the Commission would discourage the widespread, routine hiring of aides with Chapter 1 funds. The Commission contemplates instead that successful schools will invest a substantial proportion of their Chapter 1 resources in improving the skills and knowledge of adults in the school community. If the practice of using aides continues, however, they too will need to participate in high-quality staff development along with certified staff. Thus, the Act contemplates that aides will also become *recipients* of help and capacity-building.

Parents are critical to a child's educational success. The Framework recognizes the need for schools to empower and support parents in their important roles as caregivers and as facilitators of learning and literacy (Section V). Strategies for involving parents must be a component of staff development so that teachers, aides, and administrators learn to work effectively with parents to ensure students' success. Parents should also become *recipients* of help and capacity-building under the Act and may deliver such help to one another.

2. The Needs of State Educational Agencies

The Framework gives State educational agencies substantial additional responsibilities with regard to compliance and enforcement (Section VIII), developing and administering the new assessments (Section VII), and providing increased levels of assistance to school districts in the areas of curriculum and staff development (this section). Thus, the Commission proposes that states assume the primary role for *facilitating* the provision of high-quality professional and school development assistance. It is recognized that most State educational agencies currently do not have the capacity to do this. Accordingly, this section provides a set-aside of funds with which State agencies may (1) identify and publicize resources for staff development and technical assistance available to districts in their state, (2) award capacity-building grants or contracts to organizations or individuals that provide high-quality staff development or technical assistance, and (3) to the extent necessary, strengthen their internal capacity to support and oversee the local process of school improvement. Although State educational agencies may choose to offer their own staff development programs to local educational agencies and to schools, it is not contemplated that State educational agencies will become the primary providers of staff development programs. Local educational agencies will be free to select providers from a variety of sources. Rather, State educational agencies will become the repository in each state of good information and advice to their districts on how and where to best meet locally defined needs.

3. University and Private Service Providers

These organizations have an important role in researching, developing, and evaluating programs and in providing staff development and other services. Under the Framework, local educational agencies are encouraged to select high-quality programs that show promise or demonstrated effectiveness, and they may purchase services from university and private providers. State educational agencies are encouraged to become primary providers of "consumer guidance" to local educational agencies and schools regarding effective and worthwhile programs.

SECTION-BY-SECTION ANALYSIS

1. Staff Development and School Improvement Requirements

The Commission recognizes that:

> Chapter 1 could magnify its impact substantially if a portion of Chapter 1 funds could be devoted to improving the curriculum, instructional practices, classroom management skills, assessment practices, and other skills of the regular classroom teachers with whom Chapter 1 students spend most of their day, and to enable schools to engage in schoolwide improvements in organization, professional development, and parent involvement. R. Slavin, Staff Development and R & D in Chapter 1 Programs of the Future, (Baltimore, MD: Center for Research on Effective Schooling for Disadvantaged Students, May 1992).

Toward this end, the Commission recommends in this Section that a substantial portion of Chapter 1 resources be spent on staff development and school improvement programs, at both the state and local levels. It is the Commission's belief that the ambitious staff development effort contemplated in this Framework is critical to ensure that students receive the high-level curriculum and instruction needed to achieve both the expected levels of performance on the new state assessments and the National Education Goals set by the Governors and others.

Subsection A (1) makes clear that staff development and school improvement measures prescribed in this section are to be undertaken for the overarching purpose of elevating student achievement.

Subsection A (2) delineates the specific responsibilities of educators at both the building and district levels to build the capacity of schools to achieve the goals. The term "staff development *and school improvement*" (emphasis added) intentionally is used to communicate the idea that the approach contemplated by this section is a comprehensive one, not necessarily limited to traditional teacher-training models.

Subsection A (2)(a) delineates the central role of the schools themselves as units of change. Subsection A (2)(a)(ii) requires each participating school to prepare a student achievement plan upon which the Chapter 1 program, including staff development and school improvement activities, will be based. The plan must be prepared with involvement of the whole school community—including parents—and is to be completed before Chapter 1 dollars are expended. The student achievement plan is to be based on an analysis of achievement patterns at the school and the school's vision of where it needs to go if all students are to succeed in meeting the new, high standards required by Section II. Subsection A (2)(a)(iii) requires schools to focus attention on students who have difficulty meeting the standards and to seek parental support for measures to help the children succeed. This requirement applies to all students in all grades and in each subject taught in participating schools, irrespective of whether the school or local educational agency has decided to target Chapter 1 funds to particular grade levels subjects, or students pursuant to subsection III A (7)(b).

Subsection A (2)(b) contemplates a role for local educational agencies in assisting and supporting the schools in their school improvement efforts. The section permits, although it does not require, local educational agencies to use Chapter 1 dollars for systemwide programs, for example, preparing bilingual instructors. This section requires, on a systemwide basis, plans similar to those required under subsection A (2)(a) for individual schools.

Subsection A (2)(c) delineates the major role State educational agencies will be asked to play in building school and school-district capacity. There are essentially four components of the State educational agency program:

1. to support local school improvement efforts by developing and funding initiatives to increase the availability of high-quality staff development and other professional assistance in the State.
2. to provide intensive support and funding for innovative and exemplary programs.
3. to disseminate information about effective practices and strategies to participating schools and local educational agencies; and
4. to enforce the provisions of this and the other Framework sections.

One approach to compliance with subsection (2)(c)(ii) suggested by Commissioners might involve the use of "school change specialists." The State educational agency would develop a cadre of education specialists and make their services available to participating schools throughout the State. Among the tasks of the specialists would be to help build leadership in the school by working with parents and other community people as well as with school personnel. The leadership group would be trained, *inter alia*, in using data to analyze problems, in identifying criteria for success and accountability, and in monitoring progress.

Subsection A (3) specifies how staff development programs will be funded and provides that school and State Chapter 1 funds be earmarked for such purposes. The Commission believes that high-quality staff development is well worth the cost and is an essential component of the reforms that are needed. Although

this program arguably could take funds away from direct service, the Commission believes that the remaining funds would be spent on more effective teaching as a result. *See, e.g.*, R. Slavin, Staff Development and R & D in Chapter 1 Programs of the Future, *supra*.

Subsection (3)(c) provides funding for State-awarded capacity-building grants to fulfill the requirements of subsection (2)(c)(ii). States may also choose to establish a demonstration grant program to provide an infusion of dollars to projects that demonstrate effective research-based approaches in participating schools or that employ innovative staff development and school improvement strategies. In any case, states are free to determine criteria for awarding either capacity-building or demonstration grants and to establish eligibility criteria [subsection (3)(d)]. There is nothing in this Framework to prevent States from awarding grants to universities, to not-for-profit organizations, or to for-profit entities, provided the projects meet the state's criteria, are conducted in the State, and otherwise comply with federal and state law. The Framework frontloads the State-initiated capacity-building system by allocating more dollars for these grants to State educational agencies during the first two years to enable states to build their own capacity in this area and to provide seed money to expand the availability of high-quality professional assistance.

The set-aside for school-based capacity-building, however, would be phased in over three years. Subsection (3)(a) would reserve 10 percent for such purposes in year one, 15 percent in year two, and 20 percent in year three and in each succeeding year. It is noted that schools, of course, are free to spend *more* than the required percentage on staff development if they so choose.

Although local educational agencies and State educational agencies are not required to contribute from their own resources to staff development programs required under this section, the maintenance of effort requirement [subsection (3)(b)] ensures that Chapter 1 will not supplant existing programs.

Subsections (4)(a) and (b) will permit Chapter 1 to fund a broad range of staff development for regular classroom teachers in Chapter 1 schools and is not limited to funding only those teachers and aides who work exclusively with students identified as needing remedial assistance. Subsection (4), as written, is designed to allow flexibility in designing and carrying out staff development programs, and it permits training of teachers in Chapter 1 schools on a schoolwide basis, as well as in specific subjects or grade levels. The theory is that schoolwide improvements will benefit all children—including economically and educationally disadvantaged children. Subsection (4)(a) clarifies that parents and paraprofessionals may also be included in staff development or other training programs funded under this section.

Subsection (4)(b) clarifies that Chapter 1 dollars may pay for a portion of certain districtwide staff development programs, provided they are geared toward the higher order learning goals of the Act. For example, Chapter 1 could pay for a *pro rata* share of a districtwide retraining of teachers in math or science, under the theory that Chapter 1 children would benefit from their teachers' participation. The subsection recognizes that because all students, and low-income students specifically, will be held to the same high standards, it makes sense both economically and programmatically to support staff development programs geared toward systemwide improvements. The maintenance-of-effort provision in subsection (3)(b) should ensure that this subsection does not permit supplanting. A minority of Commissioners, however, have expressed a concern that the provision as written would result in supplanting and unequal expenditure of non-Chapter 1 funds.

The guidelines for effective staff development and school improvement programs required to be promulgated by the Secretary of Education in subsection (5)(a) are intended to be a resource for states, schools, and school districts. Failure to abide by them, however, would not result in sanctions or any enforcement action. The elements of effective programs delineated in subsection (5)(b) are drawn largely from the work of N. Adelman and D. Spiro, Staff Development for Teachers of Disadvantaged Students (Washington, DC: Policy Studies Associates, June 1991).

2. Curriculum Development
The Commission recognizes the need for schools and school districts to develop curricula aligned with the higher standards called for by Section II.

Subsection (B) requires the development of state-based curriculum *frameworks*, guides, and model curricula. But it does not require a nationally or state-mandated curriculum.

3. Incentives for Improving Teaching in Chapter 1 Schools
The Commission recognizes and salutes the dedication and often unrecognized achievements of the thousands of talented professionals who work in our Nation's most troubled and neglected school systems. It is a fact of life, however, that there are few incentives for our Nation's most capable teachers to work in schools with the highest concentrations of poor children. On the contrary, there are a variety of factors which work to diminish the overall quality of instruction delivered at such schools. Within metropolitan and regional labor markets, experienced and better educated teachers are often attracted by the higher salaries, lower pupil-staff ratios, better facilities and other working conditions present in more well-to-do jurisdictions. On an intradistrict basis, local educational agency policies may permit more experienced teachers to choose to transfer to schools with few disadvantaged students. As a consequence, children in schools with large numbers of children from low-income families are, on the average, taught by teachers with less experience and less expertise than their more advantaged peers.

The Commission proposes in subsection IV D to establish a federally funded and administered program to provide positive incentives for professionals to serve economically disadvantaged children. The program, simply, would provide a $2,500 cash bonus to those teachers and other professionals who have met the high and rigorous standards or practice set by the National Board of Professional Teaching Standards *and* who teach in schools with very high concentrations of children from low-income families. The Commission is confident that such an initiative by the federal government could begin to attract the most competent educators to work in the schools where their talents are most needed.

SECTION V

PARENT EMPOWERMENT

A Parent Involvement: General Requirements

(1) EACH PARTICIPATING SCHOOL shall implement programs, activities, and procedures for the involvement of parents and other responsible family members, which shall be planned and implemented together with parents of children enrolled at the school, and shall be of sufficient size, scope, and quality to give reasonable promise of achieving the following goals:

(a) empowering parents and other responsible family members to contribute to the attainment by their children of the high-level skills and knowledge called for by this Act;

(b) giving parents the means by which to understand the standards and other requirements of this Act and to hold schools accountable for achieving the Act's purposes;

(c) including parents and, in the case of secondary schools, students in the school-based processes required under this Act:

(i) to consider and develop supplementary local standards pursuant to Section II; and

(ii) to develop school achievement plans pursuant to Section IV.

(2) EACH PARTICIPATING SCHOOL shall develop a written parent involvement plan designed to achieve the goals in Section A and shall provide reasonable resources and support for parent involvement activities. All parents, and in the case of secondary schools, all students, shall be given an effective opportunity to participate in the development of the plan, the final version of which shall be provided to all parents of children who attend participating schools. The plan shall state in a detailed and comprehensible manner the specific means for carrying out each requirement contained in Section (V) (B).

(3) EACH LOCAL EDUCATIONAL AGENCY that receives funds under this Act:

(a) shall ensure participating schools' compliance with this Section;

(b) shall provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

(c) shall ensure that an annual evaluation of parent involvement is conducted at each participating school, with parent participation, and that such evaluation assesses the effectiveness of parent involvement and identifies any barriers to greater participation, including barriers faced by limited-English-proficient and educationally disadvantaged parents, and of any steps needed to improve or expand participation; and

(d) shall develop appropriate roles for community-based organizations and businesses in parent involvement activities, including the provision of information to these organizations about opportunities for them to work with parents and schools.

B Parent Involvement Programs and Activities

The plan required by subsection (2) shall be incorporated into the school achievement plan required by subsection IV A (2) (a) (ii) and shall specify programs and activities the school will undertake to assure the following:

(1) EFFECTIVE INVOLVEMENT of parents in the education of their own children through family literacy programs, through support for the efforts of parents to work with their children at home to attain the instructional objectives of this Act, and through opportunities for parent participation in school. Such activities shall include:

(a) training of parents in areas including helping their children learn more effectively, working with educators, monitoring student progress, and understanding and evaluating the program, its requirements, and the curriculum; and

(b) the development and dissemination of materials and other assistance to implement home-based education activities that reinforce classroom instruction and student motivation.

(2) THE TIMELY PROVISION in a manner and form understandable to parents of information needed for the full and effective involvement of parents in the education of their children at home and in school, including information on standards, assessment, and enforcement as required by Sections II, VII, and VIII through means including, but not limited to:

(a) public meetings, planned with parents, to be held at least annually, to which all parents are invited and at which parents are informed about the goals, standards, and other requirements of the school and of this Act, the specific instructional objectives and methods that will be used in the school, opportunities for involvement both at home and at school, and their rights of access under subsections (2)b and (2)c;

(b) reasonable access to observe classrooms and staff development and school improvement activities; and

(c) reasonable access to program documents including: the school achievement plan; all other local educational agency and school plans and applications required by this Act; information on assessment, state and local standards, and enforcement; budget information; evaluation data; and local, state and federal laws, regulations, and guidelines, all of which shall be publicized and readily available for inspection, upon request.

(3) THE PROVISION OF INFORMATION to parents who have limited literacy or English proficiency, along with opportunities for such parents to be involved in school programs;

(4) FREQUENT REPORTS TO PARENTS of participating children on their children's progress, as required by subsection VII B (2), and at least one parent-teacher conference per year with parents of each child enrolled in the school, to discuss the child's progress and what parents and the school can do to further academic achievement;

(5) TRAINING FOR TEACHERS, principals, and other staff in the value and utility of contributions of parents, in how to communicate and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between home and school.

C Parent Information and Resource Centers

(1) THE SECRETARY OF EDUCATION SHALL reserve $12 million from funds appropriated under this Act each year to be awarded as grants through a separate competition to private, nonprofit organizations for the purpose of providing training and information to parents of children enrolled in participating schools and to persons who work with such parents to enable them to work more effectively with professionals in meeting the educational needs of children enrolled in participating schools and in accomplishing the purposes of this Act. Such grants shall be designed to meet the unique training and information needs of parents of children enrolled in participating schools in the area to be served by the grant, particularly of those parents who are severely disadvantaged educationally or economically.

(2) TO RECEIVE A GRANT under paragraph (1), a private, nonprofit organization shall:

(a) be governed by a board of directors on which a majority of the members are parents of children enrolled in participating schools and which includes members who are education professionals with expertise in improving services for disadvantaged children, or, if the nonprofit organization does not have such a board, it shall have a membership that represents the interests of parents of children enrolled in participating schools and shall establish a special governing committee on which a majority of the members are parents of children enrolled in participating schools and which includes members who are professionals in the fields of compensatory education and family literacy, to operate the training and information program under paragraph (1), and the parent and professional membership of these boards or special governing committees shall be broadly representative of minority, low-income, and other individuals and groups having an interest in compensatory education and family literacy;

(b) serve the parents of children enrolled in participating schools; and

(c) demonstrate the capacity and expertise to conduct effective training and information activities for which a grant may be made, and, for purposes of paragraph (1), network with clearinghouses, including those which may be established under Section IX and other organizations and agencies, and network with other established national, State, and local parent groups representing the full range of parents of children enrolled in participating schools, especially parents of low-income and minority children.

(3) THE BOARD OF DIRECTORS OR SPECIAL GOVERNING COMMITTEE of an organization receiving a grant under this subsection shall meet at least once each calendar quarter to review the parent training and information activities for which the grant is made, and each committee shall advise the governing board directly of its views and recommendations. Whenever the organizations requests the renewal of a grant under paragraph (1) for a fiscal year, the board of directors or the special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by that organization during the preceding fiscal year.

(4) THE SECRETARY SHALL ENSURE that grants under paragraph (1) will:

(a) be distributed geographically to the greatest extent possible throughout all the states and give priority to grants which serve areas with high concentrations of low-income families;

(b) be targeted to parents of children enrolled in participating schools in both rural and urban areas;

(c) serve in a representative manner parents of low-income and minority children enrolled in participating schools, including limited-English-proficient children; and

(d) be funded at a sufficient size, scope, and quality to ensure that the program is adequate to serve the parents in the area.

(5) PARENT TRAINING AND INFORMATION PROGRAMS funded under subsection (1) shall assist parents to carry out their responsibilities under subsection V A and other provisions of this Act, including: (a) to better understand their children's educational needs; (b) to provide follow-up support for their children's educational achievement; (c) to communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff; (d) to participate in subsection IV A (2)(a)(iii), assistance to students who are making adequate progress; (e) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levles to assist children enrolled in participating schools and their parents; (f) to understand the requirements of this Act, including the standards required by Section II, the school improvement processes required by Section IV, and the assessments required by Section VII; and (g) to train other parents.

(6) PARENT TRAINING AND INFORMATION PROGRAMS may, at a grant recipient's discretion, include state or local educational personnel where such participation will further an objective of the program assisted by the grant.

(7) THE SECRETARY SHALL PROVIDE technical assistance, by grant or contract, for establishing, developing, and coordinating parent training and information programs.

(8) AFTER THE ESTABLISHMENT in each state of a parent training and information center, the Secretary shall provide for the establishment of five additional experimental centers, three to be located in urban areas and two in rural areas where there are large concentrations of poverty.

(9) BY JUNE 30, 1995, AND BY JUNE 30 EVERY YEAR THEREAFTER, the Secretary shall obtain data concerning programs and centers assisted under this section including: (a) the number of parents, and the number of minority and limited-English-proficient parents provided information and training; (b) the types and modes of information or training provided; and (c) strategies used to reach and serve parents of minority and limited-English- proficient children and parents with limited literacy skills.

★ The Commission's Commentary on Parent Empowerment

INTRODUCTION

> **Goal 1:** By the year 2000, all children in America will start school ready to learn.
> **Objectives:** Every parent in America will be a child's first teacher and devote time each day helping his or her preschool child learn; parents will have access to the training and support they need.
> National Education Goals

The provisions on parent empowerment have been drafted to embody the following concepts:

1. Parents are their children's first teachers. The Commission recognizes the crucial role of the home environment to achievement at high levels, and the cognitive and social development that necessarily takes place during the vast majority of

hours children spend outside the classroom. Research suggests young children develop the bulk of their literacy skills and knowledge in non-school settings, and that children who have access to a broad array of challenging, stimulating activities outside school are more likely to be academically well-prepared. Thus, in order for children to learn, parents must be ready to help them learn and to engage them in literacy-building and other learning activities at home and in the community. *See* R. Clark, *The Role of Parents in Ensuring Education Success in School Restructuring Efforts* (Washington, DC: Council of Chief State School Officers, 1989).

2. Parents and schools must work together to improve education outcomes. The Commission strongly endorses the concept of the federal Even Start program. As one reviewer wrote:

> The goals of Even Start are to: help parents become full partners in their children's education; help children reach their full potential as learners; and provide literacy training for their parents. These goals translate into four core services that all Even Start programs must provide: adult education, early childhood education services, parent education to enhance child development, and adult/child services. D. D'Angelo, *Parent Involvement in Chapter 1: A Report to the Independent Review Panel* 18 (Hampton, NH: RMC Research Corp. 1991).

As the Even Start program exemplifies, services to parents and to students are interrelated. Both families and schools will benefit from a family-literacy approach to Chapter 1. Schools will benefit from greater parent involvement, and parents will benefit from increased access to schools and from education and training programs.

3. Parents are the first line of enforcement and accountability. Monitoring education programs in the nearly 15,000 school districts across the country that receive Chapter 1 assistance cannot be done solely by state and federal education officials. Parents have the largest vested interests—their children and their dollars—in seeing that education programs work, and they should play a key role in monitoring Chapter 1 programs and other education programs. To do this effectively, parents need information, access to schools and documents, and an understanding of the standard-setting, assessment, and accountability systems required by this Framework.

4. Schools, together with parents, must be free and encouraged to develop and tailor their own parent involvement programs to meet their needs. At the same time, the Framework contains safeguards to ensure that parents have a voice, that resources are dedicated and that critical components are included to ensure programs are effective in helping schools be successful. Research shows that the most effective parent involvement programs are comprehensive, providing a range of opportunities for parents to be involved at home and at school. *See e.g.*, R. Brandt, *On Parents and Schools: A Conversation with Joyce Epstein*, Educational Leadership (Oct. 1989).

SECTION-BY-SECTION ANALYSIS

1. Parent Involvement Requirements

Subsection A (1) sets forth the goals of parent empowerment programs at Chapter 1 schools. These goals, and the specific provisions that follow seek to build upon the emphasis in current law on informing parents and supporting their efforts at home, and add new language stressing the need for parents to be equipped to hold schools accountable.

But the goals and provisions in subsections A and B do depart from current law in one respect; they reflect an attempt by the Commission to relax a number of procedural requirements now in the law. This is done to communicate that the emphasis should be on substantive family involvement in education, rather than on technical compliance with procedural requirements, which the majority of Commissioners view as a hindrance rather than an aid to substantive parent empowerment.

Throughout this Framework, the Commission identifies schools as the fundamental unit of change. Thus, subsections A (2) and B place primary responsibility for developing and implementing parent involvement programs on schools rather than on local educational agencies.

Subsection A (3) sets forth the duties of the local educational agency in assuring and assisting schools' compliance with the parent

involvement requirements and in providing for an annual evaluation of parent involvement at each participating school.

The cornerstone of parent involvement programs in Chapter 1 schools will be the plan, required by subsections A (2) and B. It is to be developed with parent participation, and—new to Chapter 1—with student input in the case of participating secondary schools.

Although this Framework would encourage schools to define their own needs and then to develop programs based on those needs, it recognizes a universal need in all schools for programming in the following areas:

- parent education and training;
- parent information (including access to information about student progress and about the Chapter 1 program itself); and
- training of teachers and other staff on the value of parent contributions and on how to work effectively with parents.

The Commission is impressed with research showing that the more comprehensive the range of opportunities for involvement parents have, the better their children and their schools do. Different modes of involvement reinforce each other, empower parents in different ways, and move schools and parents closer to an overall culture of participation. Joyce Epstein of the Johns Hopkins University in Baltimore, Maryland, has identified "Five Major Types of Parent Involvement," which are cited in the literature and implemented in model programs around the country. These five types are:

> ***Type 1: The basic obligations of parents*** refers to the responsibilities of families to ensure children's health and safety; to the parenting and child-rearing skills needed to prepare children for school; to the continual need to supervise, discipline, and guide children at each age level, and to the need to build positive home conditions that support school learning and behavior appropriate for each grade level.
>
> ***Type 2: The basic obligations of schools*** refers to communications from school to home about school programs and children's progress. Schools vary the form and frequency of communications such as memos, notices, report cards, and conferences, and greatly affect whether the information about school programs and children's progress can be understood by all parents.
>
> ***Type 3: Parent involvement at school*** refers to parent volunteers who assist teachers, administrators, and children in classrooms or in other areas of the school. It also refers to parents who come to school to support student performances, sports, or other events, or to attend workshops or other programs for their own education or training.
>
> ***Type 4: Parent involvement in learning activities at home*** refers to parent-initiated activities or child-initiated requests for help, and ideas or instructions from teachers for parents to monitor or assist their own children at home on learning activities that are coordinated with the children's classwork.
>
> ***Type 5: Parent involvement in governance and advocacy*** refers to parents' taking decision-making roles in the PTA/PTO, advisory councils, or other committees or groups at the school, district, or State level. It also refers to parent and community activists in independent advocacy groups that monitor the schools and work for school improvement.
>
> R. Brandt, *On Parents and Schools: A Conversation with Joyce Epstein*, Educational Leadership (Oct. 1989).

While the Commission believes that all five types of parent involvement are critical, it also believes that those persons actually at the school site are best equipped to determine how to meet parents' needs. Thus, subsection B is drafted to permit local educational agencies, schools, and parents the flexibility to design their own programs and governance structures, within the parameters of the Act, to meet locally defined needs. But there are also safeguards to protect parent and student interests. Thus, despite the flexibility in programming, a school will not be in compliance if it fails to fulfill some basic requirements, *e.g.*, to hold an annual meeting for parents [subsection B (2)(a)], to arrange for at least one parent-teacher conference [subsection (B)(4)], and to communicate effectively with parents who have limited English proficiency [subsection (B)(3)].

2. Parent Information and Resource Centers

The evidence suggests that training for low-income parents on how to be involved in their children's education is a powerful means of improving achievement and schools.

Despite this evidence and Chapter 1's call for effective parent training, funding for parent training has been the exception rather than the rule in schools across the country.

Among the exceptions are sophisticated on-going programs built into the Parent Resource Centers in a few cities, such as Buffalo, New York, and Miami, Florida, and a two-week intensive summer training program in Hartford, Connecticut. A few states—Indiana and Maryland being among the first—give adult education credits to parents. Some parent organizations, such as Detriot's District Parent Advisory Council, manage to train themselves. And the National Coalition of Title I/ Chapter 1 Parents conducts a major annual training conference, annual regional training conferences, and selected state and city trainings.

In general, however, parent training, if it exists at all, usually assumes the form of one required annual meeting and nothing more. Needed information is not provided or is inaccessible. The lack of information stands in stark contrast to assistance in programs required by Head Start and for parents of children with disabilities.

A central reason for this paucity of training and information is that Chapter 1, unlike Head Start and the Individuals with Disabilities Education Act (IDEA), has given school districts and schools the sole responsibility for training, supporting, and providing information to parents. Since many schools either resist this role, or, in fact, may not themselves have the training and support to carry out effective parent programs, parents frequently have not received training and support.

The Commission believes the Parent Resource Centers in subsection V C, could provide the *external* support necessary for parents to combat these problems. Modeled after the Individuals with Disabilities Education Act, these centers could provide parents with the technical assistance they need to understand their children's academic situation, to learn about the requirements of Chapter 1, to exercise their rights as parents at participating schools, and to better participate in local standard setting and school improvement efforts—functions that are strongly needed. Such centers, designed *for* parents, would not be a direct adjunct to schools and teachers, but an "institutional" structure that can strengthen and empower parents so that they and their children can enjoy the rights and benefits of the law.

This section would place a center in each state, thus within the boundaries of one state's policies, and close enough for access by parents and effective outreach by the center. As with the centers under IDEA, the key to each center's approach to training would be that it would belong to parents and would be run by a governing board on which a majority of the members are parents of disadvantaged children. Regional special-purpose centers would serve rural areas and urban areas of high concentrations of disadvantaged families. All centers would provide networking and clearinghouse functions.

SECTION VI

HEALTH AND SOCIAL SERVICES

A Purposes

The obligations imposed on states, State educational agencies, and local educational agencies under this Section are for the purposes of assuring that to the extent practicable:

(1) ALL PRESCHOOL-AGED CHILDREN from low-income families receive sufficient nutrition, health, social services, and educational and developmental programs to ensure that they enter school ready and able to learn;

(2) ALL SCHOOL-AGED CHILDREN who are eligible to participate in programs under this Act have access to health and social services sufficient to enable them to attend school on a regular basis and to achieve the high-level standards required under Section II.

B State Plan

(1) STATE PLAN TO ELIMINATE BARRIERS TO LEARNING
By June 1, 1995, and every two years thereafter, each governor in consultation with the State educational agency and other appropriate state agencies, shall develop and submit to the Secretary of Education a plan that identifies, on local educational agency and statewide bases, the following:

(a) barriers to learning experienced by eligible children that stem from factors external to the public school system, (including poor health, poor nutrition, inadequate housing, and lack of appropriate preschool and before- and after-school supervision), that could be ameliorated by the provision of appropriate services by the local educational agency or by referral of the children and/or their families to service providers other than the local educational agency;

(b) the health, social services, and early educational programs necessary to ensure the attainment of the readiness, attendance, and achievement objectives described in subsection A;

(c) how programs funded from a variety of sources, including other federal sources, are or will be coordinated in a systematic way, on a statewide basis, to ensure maximum effectiveness in the delivery of services to children and families with the objective of eliminating barriers to learning described in subsection (1)(a);

(d) on a local educational agency basis, the extent to which such services are unavailable, inaccessible, or underutilized by the target student population and their families, including barriers to obtaining services faced by single or working parent families and by families with limited literacy or English proficiency;

(e) measures that will be taken by the State educational agency and by other state agencies to increase access to and availability of the services identified in subsection B (1)(b). Such measures may include, but are not limited to:

(i) integration of services, so that one agency may provide or coordinate a variety of services for which a family may be eligible;

(ii) co-location of health and social services at Chapter 1 school sites to ensure, *inter alia*, that Medicaid-eligible children receive Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services;

(iii) establishment of multiservice centers for low-income families at or near school sites;

(iv) adjustments to service eligibility requirements and other regulatory or statutory changes to facilitate access to services; and

(v) expansion of existing state or local programs or the creation and funding of new programs designed to meet the objectives of subsection A.

(2) IN DEVELOPING THE PLAN required pursuant to subsection B (1), the governor shall consult with and involve:

(a) the State educational agency;

(b) state and local government agencies charged with providing health and social services to children and families;

(c) participating local educational agencies;

(d) private and nonprofit entities engaged in child advocacy, resource, and referral and those that provide direct services to children and families, including Head Start and other programs or facilities providing early childhood services;

(e) parent and teacher representatives.

(3) COPIES OF THE PLAN SHALL BE FURNISHED to the State educational agency, to each local educational agency and to all public agencies that provide health, welfare and social services to children and their families. The plan shall specifically identify the barriers that are within the jurisdiction of those agencies. Copies shall also be provided to statewide parent and teacher organizations.

(4) BY JANUARY 1, 1996, each state shall begin implementation of the measures specified in subsection (2)(e). The governor shall report by January 1, 1998, and every two years thereafter to the Secretary of Education on progress in eliminating the barriers identified in subsection (1)(a) and on providing the services called for by subsection (1)(b). Copies of the annual reports shall be furnished to the State educational agency, to State health and social service agencies, to all local educational agencies, and to statewide parent and teacher organizations.

C Local Educational Agencies

(1) BY JANUARY 1, 1996, each participating local educational agency shall identify and report to the State educational agency:

(a) barriers to learning experienced by eligible children which stem from factors *(i)* external to the public school system, (including poor health, poor nutrition, inadequate housing, and lack of appropriate preschool and before- and after-school supervision), and *(ii)* internal to the public school system (including poor or inadequate facilities, insufficient staff and other resources, and lack of participation in federally subsidized school nutrition programs) that could be ameliorated by the provision of appropriate services by the local educational agency or by referral of the children and/or their families to service providers other than the local educational agency;

(b) the extent to which the health, social service, and early educational inputs necessary to ensure the attainment of the readiness, attendance, and achievement objectives described in subsection A are unavailable, inaccessible, and/or underutilized by the target student population and their families;

(c) the extent to which locally based collaborative efforts among education, health, and social service providers might facilitate increased access and effective delivery of the services;

(d) the extent to which additional resources are needed by the local educational agency to accomplish the purposes of this section;

(e) the measures that will be undertaken locally to ameliorate or eliminate the barriers described in subsections C (1)(a) and (b), and to comply with subsection C (3), *infra*.

(2) IN PREPARING ITS REPORT pursuant to subsection C (1), each local educational agency shall consult with local and municipal health and social service providers, with housing officials, with Head Start and other early childhood providers, and with organizations representing parents and teachers.

(3) DUTY OF LOCAL EDUCATIONAL AGENCIES

(a) Each participating local educational agency shall ensure that all children attending participating schools:

(i) are fully immunized upon entry to school;

(ii) are screened for nutritional and developmental deficiencies, for hearing and vision problems that may impair learning, for alcohol or substance abuse, and for any other health or environmental conditions that in the judgment of the local educational agency, are likely to impair learning; and

(iii) are referred by school or local educational agency staff to appropriate service providers in the community, and that designated staff follow up to determine whether the services were received by the children referred.

(b) Each participating local educational agency shall cooperate with State efforts to comply with subsection B and shall participate, as required or encouraged by the State educational agency, in the State plan to eliminate barriers to learning described in subsection B (1).

(4) USE OF FUNDS

Local educational agencies may use Chapter 1 funds to pay professional and other staff salaries, and other expenses, incurred in carrying out the purposes of this section, including (a) compliance with this subsection and (b) integration and coordination of services with other local, state, or federal providers.

★ The Commission's Commentary on Health and Social Services

The Commission recognizes the serious external barriers to school attendance and achievement faced by children who live in poverty. These barriers include lack of adequate and stable housing, unsafe and often violent home and community environments, health and nutritional deficits, and families who are unable to give the children the support they need to learn effectively. There can be no question that comprehensive policies to remove these barriers are needed if the goal of providing all children with the opportunity to reach their full potential is to be achieved. At the same time, a statute that operates within the confines of the resources and responsibilities of education officials is not the appropriate place to address all of the issues affecting children's lives.

The Commission has sought to resolve the dilemma by specifying in this section a responsibility on the part of the governors to identify barriers to learning and to develop plans to eliminate the barriers, but it requires of school systems only actions that are appropriate and realistic within the resources that are likely to be available. This section requires each state, via its governor, to accept responsibility for preparing a plan and periodic progress reports on eliminating health and social barriers to learning [subsection (B)]. It is contemplated that the report required under subsection B (4) will serve as a report card, to be released every other year, on the State's progress in eliminating barriers to learning.

As to education officials, the Commission, in Section V on parent involvement, recommends a new emphasis in Chapter 1 on family literacy and other family support efforts that have shown promise through programs like Even Start and Head Start. See subsection V B (1). In Section VI, the Commission seeks to encourage State educational agencies and local educational agencies to promote the co-location of social and health services at school sites, and the integration of these services, to ensure, for example, that low-income children can receive services for which they currently are eligible, including Medicaid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program. EPSDT provides for screening, examinations, and treatment for medical (including vision and hearing) and dental problems faced by children from low-income families. *See* Mental Health Law Project, Early Intervention Advocacy Network Notebook, *The Part H—EPSDT Connection* (Washington, DC, Oct. 1991). Subsection B(1)(c) requires states in their plans to identify how their numerous health and social service programs, with many separate funding sources, will be coordinated to ensure effective delivery of services to children and their families.

Local educational agencies also *are required* under subsection C (3) to ensure that children are immunized before entering school, to screen for conditions that impair learning, and to make the necessary referrals. The "other health and environmental conditions" referenced in subsection C (3)(ii) include, e.g., testing for lead exposure, screening for evidence of child abuse or neglect, and ascertaining homelessness.

Subsection C (4) clarifies that Chapter 1 funds may be used to hire staff whose responsibility it would be to ensure proper screening and referral of children, but not to provide direct services. This limitation is consistent with subsection III F ("Use of Funds") which, while granting considerable discretion to local educational agencies, does limit expenditures of Chapter 1 dollars to "education programs and activities." The Commission recommends, instead, that Congress expand laws creating an entitlement of low-income children to health and social services needed to enable them to succeed in school.

SECTION VII

ASSESSMENT

A Purposes of Assessment

Each of the three types of assessments of students, schools, school systems, and of the Chapter 1 program conducted under this section, has a separate purpose, as follows:

(1) AS SET FORTH IN SUBSECTION B of this section, to provide information and guidance to teachers, parents, and others on the progress being made by individual students in meeting the content standards prescribed in Section II, *supra*, and to serve as an aid in improving instruction, curriculum, and the performance of students;

(2) AS SET FORTH IN SUBSECTION C of this section, to provide a means for evaluating the effectiveness of the Chapter 1 program on a national basis so that any needed changes can be made to aid in reaching Chapter 1's goal of assuring that children of low-income families acquire the high-level knowledge and skills that are necessary for sustained success;

(3) AS SET FORTH IN SUBSECTIONS D THROUGH G of this section, to provide a means for holding individual schools, school systems, and State educational agencies accountable for student performance in meeting the content standards prescribed in Section II *supra*, and to serve as a basis for recognizing and rewarding those entities that improve student performance and for taking corrective action with respect to those that do not.

B Assessments to Aid Student Progress

(1) EACH LOCAL EDUCATIONAL AGENCY and school shall implement assessment measures that are designed to provide information and guidance to teachers, parents, and students on the progress being made by individual students in meeting the standards prescribed in Section II and to aid in improving the performance of individual students. Such assessment measures shall aid teachers in evaluating the progress that individual students are making on the curriculum and on classroom tasks, shall be controlled and administered by teachers, and shall be an integral part of the instructional program.

(2) AT LEAST ONCE EACH YEAR, each school shall inform parents of the progress their children are making in meeting the standards prescribed in Section II and shall provide specific information on deficiencies in performance and on assistance available to remedy deficiencies.

(3) IN ADDITION TO THE REQUIREMENTS OF F (2), each local educational agency and school shall disseminate to parents, students, and teachers a description and explanation of the curriculum in use at the school, of the forms of assessment used to measure student progress, and of the proficiency levels students are expected to meet.

(4) EACH LOCAL EDUCATIONAL AGENCY and school shall assure that the methods of assessment employed are aligned with the curriculum and designed to be an aid to instruction and an integral part of the ongoing teaching process.

C Assessments to Evaluate Chapter 1

The Secretary shall:

(1) PROVIDE TO THE PRESIDENT, the Congress, and the public at least biannually a report evaluating national progress in equipping low-income students with the knowledge and skills called for by this Chapter and evaluating the effectiveness of Chapter 1 in achieving its goals;

(2) IN CARRYING OUT THE EVALUATIONS called for by C (1), use the National Assessment of Educational Progress or other forms of assessment that are consistent with the assessment measures that are required by this section;

(3) DEVELOP EVALUATION METHODS that facilitate comparisons of information about student outcomes by state, provided, however, that the Secretary shall not (a) deny approval to an otherwise acceptable State educational agency assessment program on grounds that it does not permit comparisons between states or (b) require State educational agencies to collect or aggregate data solely for the purpose of federal evaluation under this subsection.

D Duty to Assess for Accountability Purposes

(1) EACH PARTICIPATING STATE EDUCATIONAL AGENCY shall adopt by June 1, 1996, and describe in its application to the Secretary for fiscal year 1997 a set of assessments that the State educational agency pro-

poses to use as its primary means for gauging the performance of local educational agencies and individual schools that participate in the Chapter 1 program in enabling students to meet the standards set forth in Section II.

(2) EACH PARTICIPATING STATE EDUCATIONAL AGENCY may authorize any local educational agency within its jurisdiction to develop and use its own measures of assessment for accountability purposes, provided that these measures meet all of the requirements of this section and are approved by the State educational agency.

(3) SECTION 1435 OF THE ELEMENTARY AND SECONDARY IMPROVEMENT AMENDMENTS OF 1988, specifying methods of evaluation to be used under Chapter 1 is repealed on the effective date of this Act, as are the implementing regulations. The regulations and policies contained in 34 CFR §200.80-200.89 and in the *Policy Manual* (pp. 119-145) shall be rescinded immediately.

(4) IF ANY STATE EDUCATIONAL AGENCY FAILS BY JUNE 1, 1996, to adopt an assessment program that meets the requirements of this section, it shall be required to select one of the assessment programs approved by the Secretary pursuant to subsection (5), provided, however, that selection of an assessment program under this subsection shall not relieve the State educational agency of the requirements under this Act that assessments be aligned with standards and curriculum.

(5) THE SECRETARY SHALL APPROVE only those assessment measures:

(a) that meet the requirements of subsection F *infra;*

(b) that are aligned with state standards and that have been validated in terms of their particular uses and consequences and to assure racial, ethnic, and gender fairness; and

(c) that provide for periodic monitoring to assure their continuing validity.

(6) COMMISSION ON STUDENT ASSESSMENT

(a) In carrying out the duties prescribed in this subsection, the Secretary shall rely on the advice and guidance of the Commission on Student Assessment (CSA).

(b) The CSA shall be established by the National Academy of Sciences.

(c) The duties of the CSA shall be:

(i) to prepare periodically and submit to the Secretary and Congress a report on the most educationally effective methods of assessment;

(ii) to review all assessment programs submitted under this section and provide to the Secretary comments on whether each program meets the requirements of this section;

(iii) to monitor the implementation of approved assessment programs and to report at least annually to the Secretary and the Congress on the educational effectiveness of the assessments and on any adverse consequences that result from implementation of the programs.

E. Scope, Frequency, Characteristics, and Methods of Assessment

(1) SCOPE AND FREQUENCY

(a) Assessments for accountability shall be conducted annually in the grades designated under subsection (b) in all participating schools and shall be applied to at least a sample of all students, provided, however, that where sampling methods are used, the sample shall be constructed so as to yield representative data (i) for each Chapter 1 school, local educational agency, and for the State as a whole and (ii) within each school for each major racial and ethnic group and for economically disadvantaged and nondisadvantaged students.

(b) An assessment pursuant to Section E(2) shall be completed at grade 1, at some point during grades 2-5, at some point during grades 6-9, and at some point during grades 10-12, provided, however, that students who have been retained in grade shall be considered for assessment at the time they would otherwise have been assessed if they had not been retained in grade.

(c) Where sampling methods are used pursuant to subsection (a), the methods shall meet professional standards of representativeness.

(d) Notwithstanding the provisions of subsection (a), local educational agencies and individual schools are not required to assess a student who has been clearly demonstrated, using valid evaluation methods, to be so

severely disabled as to lack the capacity to make educational progress in meeting the standards set out in Section II, even with the provision of supplemental services.

(e) Notwithstanding the provisions of subsection (a), local educational agencies and individual schools are not required to assess a student who has been identified as having limited English proficiency for a period of two years after the identification is made, provided, however, that this exemption does not excuse local educational agencies and individual schools from implementing assessments of limited-English-proficient students to aid their progress pursuant to the provisions of subsection B.

(f) No student shall be exempted from assessment on grounds that the student has not attended a particular school or has not been resident in the local educational agency for a full academic year, provided, however, (i) that the performance of students who have attended more than one school in a local educational agency in any academic year shall not be used in determining the progress of any individual school but only in determining the progress of the local educational agency and (ii) that the performance of students who have not resided in the local educational agency for a full academic year shall not be used to determine the progress either of any individual school or of the local educational agency.

(2) CHARACTERISTICS
In addition to the requirements set forth in subsection D (5), the assessment instruments adopted pursuant to this subsection shall meet the following criteria:

(a) except for grade 1, assessments shall measure the proficiency of students in subjects including, but not limited to, reading, mathematics, writing, history, geography, and science;

(b) in grade 1, assessments shall be conducted only to determine the acquisition of developmentally appropriate levels of skill in oral language, emerging reading skills, and social skills important to progress in school;

(c) assessments shall provide an accurate measure of the proportion of students attaining partially proficient, proficient, and advanced levels of achievement in all aspects of each subject;

(d) there shall be some variation in the particular items used from one assessment to the next, so that students can be prepared for the test only by being taught a full range of important knowledge and skills;

(e) assessments shall state clearly what is sought to be measured in the assessment and shall be designed to gauge only the proficiency and accomplishments of students rather than any presumed innate traits or characteristics;

(f) assessments shall provide to the extent practicable that in assessing students' mastery of skills in subjects other than English, students of limited English proficiency shall be assessed in the language in which they are taught.

(3) METHODS
In carrying out its duties pursuant to subsection D (1), each State educational agency shall employ multiple methods of assessment tailored to its standards.

F Prerequisites for Implementation of Assessments

(1) PRIOR TO THE CONDUCT OF THE FIRST ASSESSMENT for accountability, each State educational agency shall, with the assistance of each local educational agency, disseminate widely to parents, teachers, and students an understandable statement of the standards expected of students, the goals of the assessment instruments, the uses of the assessment, and the knowledge and skills to be assessed. Such statements shall include examples of student work at the appropriate level that would meet the standard at that level.

(2) AS SOON AS FEASIBLE, but in any event, prior to the conduct of the second assessment, each State educational agency shall:

(a) complete all necessary steps, e.g., by developing curriculum frameworks or model curricula and by providing training or assistance to local educational agencies, to assure that curriculum is revised in a manner that will enable students to meet the standards set forth in Section II;

(b) adopt measures, including those required by Section IV, to assure that teachers in Chapter 1 schools have the capacity to implement instructional strategies designed to equip children with the ability to perform successfully on the assessments required by this section.

G. Uses of Assessments and Safeguards

(1) THE ASSESSMENTS DEVELOPED UNDER SUBSECTION D of this section shall be used by State and local educational agencies to improve the performance of schools in enabling students participating in the Chapter 1 program to master high-level knowledge and skills.

(2) THE SECRETARY SHALL PRESCRIBE, by regulation, forms for the compilation and public reporting of the information gathered through the assessments required by subsection D of this section. The information shall be reported in such a way as to permit evaluation of the annual progress made (a) by the State, by each local educational agency, and by each school in which the assessment is conducted; and (b) within each State, local educational agency, and school, by each major racial and ethnic group, by English-proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

(3) THE ASSESSMENTS PRESCRIBED BY SUBSECTION D of this section shall not be used by State and local educational agencies to withhold from any student a high school diploma or other form of certification or for retaining students in grade.

★ The Commission's Commentary on Assessment

If the high standards set forth in Section II are to be more than illusory goals, we must have means of assessing how students are performing and whether schools, districts, and states are successful in enabling increasing numbers of their students to meet the standards. Unfortunately, the tests currently used within the Chapter 1 program emphasize only low-level skills and compare students with one another, rather than with objective standards. Consequently, the Commission has proposed in this Framework a new, three-pronged approach to assessment that will generate information on:

- the progress of individual students in meeting state standards, to be used by teachers to improve curriculum and instruction and by parents to evaluate their children's progress;
- the national impact of Chapter 1 in enabling schools to get increasing numbers of poor students to high standards, to be used by Congress to evaluate and improve the program; and
- the progress of individual schools and districts in enabling increasing numbers of their students to meet the standards, to be used as the foundation for a new outcomes-based accountability system to replace the current system, which requires schools to account for dollars rather than results.

The importance of replacing the current tests cannot be overstated. A large part of the problem lies in the serious deficiencies of the norm-referenced tests that are now used throughout the Nation as the measure of student needs and progress. Such tests have great appeal because they are relatively inexpensive, and easy to score and because they limit subjective judgment and facilitate comparisons. But norm-referenced tests have major drawbacks:

- while ranking students against one another, they do not provide an accurate gauge of what students know and can do;
- they are often years out-of-date, and when tests are not renormed frequently the norm may understate the true national average and give the impression that the great majority of students are performing well; and
- they lead to the problematic practice of teaching to the test, under which teachers downgrade important skills (e.g., reasoning power) and deemphasize subjects (e.g., science), that are in the curriculum but that are not generally tested.

In the context of Chapter 1, the difficulties caused by norm-referenced testing are well illustrated by the "schools in need of improvement" program. In this program, adopted in the 1988 amendments in an effort to promote school accountability, special attention is focused on schools that do not show progress in student achievement after receiving Chapter 1 assistance. The difficulty is that student progress is measured by "NCE gains" as a single measure of whether schools are succeeding or failing.[8] These have proved to be

[8] Normal curve equivalents (NCEs) are described by Robert Slavin as a statistic similar to percentiles with a mean of 50 and a standard deviation of approximately 21. The idea, he adds, is "that students should gain in percentile rank from year to year... . For example, a student who scored at the 50th percentile in the third grade and again at the 50th percentile in the fourth grade would be said to have made 'no gain' even though they have in fact gained one grade equivalent in one year. A student who scores at a lower percentile rank is said to have made a negative gain. Slavin, *Chapter 1: A Vision for the Next Quarter-Century*, 72 Phi Delta Kappan 586-592 (1991).

notoriously unstable and unreliable indicators. Schools identified in one year as in need of improvement may show a rebound the next year before any improvement plan has been implemented. No one can have any confidence that any real change has occurred at the school.[9]

While the problems created by the widespread use of commercial standardized tests are widely known, arriving at a remedy is more difficult. A better system of assessing student progress must be more sophisticated in the range of skills and scope of subject matter that it covers, and yet it cannot impose excessive financial costs or an undue time drain on the public schools. Assessments must be flexible and yet, if accountability is a prime goal, must facilitate consistent enforcement. While holding schools accountable and increasing their capacity to improve teaching and learning are the major objectives of new forms of assessment, the potential adverse consequences for students cannot be ignored. If the needs of economically disadvantaged students, the intended beneficiaries of Chapter 1, are to be served, new forms of assessment must be accompanied by safeguards that assure that testing does not again become a vehicle for tracking and lowered expectations.

Accordingly, the Commission has spent more than a year studying the ramifications of new forms of assessment. We have concluded that while much work is still in the developmental stage and while difficult problems remain to be solved, great strides have been made at several academic centers and in several states in establishing new forms of assessment that address the major issues posed above.[10]

Within a reasonable period of time, the Commission is convinced, these new forms of assessment can furnish the core of a system of accountability for schools and school systems. They can provide a means for determining whether schools are succeeding or failing in their mission to help students achieve the high levels of proficiency that form the central purpose of this Framework and a basis for taking corrective action where needed. The bulk of Section VII (subsections D through G) presents a careful description of the characteristics of assessments that can serve as the basis for a system of holding schools and school systems accountable.

But it must be recognized that testing and assessment are conducted for purposes other than holding schools and school systems accountable. Indeed, the basic purpose is to provide a measure of how well each individual student is progressing and to furnish tools for teachers, parents, and others in the school community to diagnose problems and help students improve their performance. Because this use of testing is so fundamental, it is treated at the outset of this section in subsection B. This subsection is far less detailed than subsections D through G in dealing with accountability assessments. The reason is that while it is clearly an appropriate role for the federal government to insist on accountability by schools and school systems in the use of federal funds, grading tools to guide progress are far more the province of local educators. Nevertheless, if Chapter 1 is to attain its aims, attention must be paid to the assessments that inform teachers about the progress of children. And as more authentic forms of assessment are developed for accountability purposes, teachers need no longer be saddled with the old norm-referenced tests that are barriers rather than aids to student progress. The third purpose of assessment is to provide periodic evaluation of the effectiveness of Chapter 1 so that Congress and the President can determine whether

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[9] *See* U.S. Department of Education, *The Chapter 1 Implementation Study Interim Report* 2-3, 2-17 (Abt Associates 1992); R. Slavin and N. Madden, *Modifying Chapter 1 Program Improvement Guidelines to Reward Appropriate Practices*, 4 Educational Evaluation and Policy Analysis 369-79 (1991); J. Anderson, Using the Norm Referenced Model to Evaluate Chapter 1 (paper presented at the annual meeting of the American Educational Research Association, Chicago, 1991).

[10] *See* National Council on Education and Testing, *Raising Standards for American Education* 21-31, F22-23 (1992) (finding it "feasible as well as desirable to create national education standards and a system of assessments linked to standards," at p.21). Much of the work on the development of new standards and tools of assessment is being done by the New Standards Project, a cooperative venture of the Learning Research and Development Center of the University of Pittsburgh and the National Center on Education and the Economy. Information on the status of State efforts to develop and implement innovative assessment techniques is available from the Council of Chief State School Officers. There is a growing literature on particular aspects of new forms of assessment. *See, e.g.*, L. Resnick and D. Resnick, *Assessing the Thinking Curriculum: New Tools for Educational Reform* (prepared for the National Commission on Testing and Public Policy, August 1984). Other groups of educators and public officials have identified the development of new forms of assessment as an urgent task. *See, e.g.*, National Commission on Testing and Public Policy, *From GATEKEEPER to GATEWAY: Transforming Testing in America* (1990).

changes are needed to better serve the needs of economically disadvantaged children. This is dealt with in subsection C.

While the provisions of this section are detailed and somewhat complex, specificity is needed to assure that tests are properly used for accountability purposes and that unnecessary testing is avoided. Elsewhere in this Framework, particularly in Section III, we recommend measures that will eliminate testing as a mechanism for selecting students for receipt of Chapter 1 services and for allocating resources to schools.

SUBSECTION A: PURPOSES

This provision recognizes the importance of identifying and distinguishing clearly the varying purposes to be served by new forms of assessment. As noted, the major objectives are: (1) to provide information to teachers, parents, and others on the progress being made by individual students and to aid in improving performance; (2) to evaluate the effectiveness of the Chapter 1 program as a whole with a view to making any needed changes in legislation or implementation; and (3) to hold schools and school systems accountable for student performance and to provide a basis for corrective action where schools are falling short.

As will be seen, differing purposes may dictate the use of different assessment tools. For example, assessments conducted for purposes of accountability can never fully satisfy the need to provide information about students to parents and teachers since accountability assessments will be conducted at only four stages of a student's career. Thus, other means, such as end-of-course examinations and teacher evaluations, must play an important role as informational tools and aids to student progress. Since these latter tools of assessment are not used for accountability purposes, they can be subjective and less subject to comparisons.

SUBSECTION B: ASSESSMENTS TO AID STUDENT PROGRESS

The objective of this subsection is to aid the progress of individual students by making sure that teachers, parents, and students are acquainted with the standards to be met and have a means of evaluating, at least annually, the progress of individual students toward meeting the standards.

This objective is fundamental because from an education standpoint, the most powerful forms of assessment are those that inform the teachers about the progress of children. The objective cannot be accomplished solely through the use of the accountability assessment measures specified in subsections D through G since these will occur only four times during the course of a student's career and may be conducted on a sample basis. Accordingly, schools are encouraged to employ a variety of other means to fulfill their annual obligations under this subsection. In specifying in the subsection some of the desirable aspects of these types of assessment, the hope is that they will become an integral part of the education program. As noted, the preferred forms of assessment are those controlled by teachers and embedded throughout the curriculum. One Commissioner has suggested that a desirable method of assessment would be to have a selection of the work of each student evaluated by a group of teachers who employ criteria that link the work to the standards called for in Section II.

Equally important, subsection B(2) calls on schools to communicate with parents on the progress their children are making in meeting standards and to inform members of the school community about the curriculum in use and the ways in which student progress is being assessed.

SUBSECTION C: ASSESSMENTS TO EVALUATE CHAPTER 1

A second purpose of assessment is to provide information to Congress, the President, and the public on how effective Chapter 1 has been in achieving the goals set out in Section I and how it may be improved through amendment or through changes in the implementation process.

In the Commission's view, the National Assessment of Educational Progress (NAEP) has played a very useful role in the past in providing tools to evaluate education policy and programs; and changes it is currently making in its assessments should enable it to play an even more useful role in the future.

In conducting a national evaluation, it will be helpful if information is available, in addition to NAEP reports, that permits comparisons of

student outcomes among states. But the provisos to subsection (3) are included because the Commission does not wish to add to the paperwork and data collection burdens of State educational agencies. The substantive responsibilities that State educational agencies would have under this Framework are far too important to allow their resources to be diverted in nonessential directions.

SUBSECTION D: DUTY TO ASSESS FOR ACCOUNTABILITY

The third purpose of assessment is accountability. Properly and carefully developed, new forms of assessment will provide a means of determining which schools and school districts are meeting the law's requirements and which are not.

After study, the Commission concluded that the locus of responsibility for the development of new assessment programs should be State educational agencies, acting separately or cooperatively. The reasons for recommending this course are several.

States are the entities currently developing new, performance-based methods of assessment. Building on the base of these state efforts, the Commission believes, will provide much firmer ground than seeking to develop a national testing system, which is a more speculative, long-range and, perhaps, problematic endeavor.[11] As Theodore Sizer and others have noted, there is no national need for a system that is so finely calibrated as to eliminate all differences between states. To the extent that comparability is desirable, the Framework provides in subsection (6) for the establishment of a Commission on Student Assessment to help define the state of the art in assessment and to assist the Secretary of Education in carrying out the responsibility of approving and monitoring the implementation of State assessment programs.

Just as a call for a mandated national testing system would pose major feasibility problems, vesting responsibilities for accountability assessments below the state level would lead to unmanageable fragmentation. Since considerable resources are needed to develop new assessments, it is far more cost effective to place responsibility in 50 states than in thousands of school districts. In addition, while interstate comparisons are not imperative, the responsibility of each state to provide equality of educational opportunity within its borders requires the development of assessment systems that will determine the relative performance of school districts within a state. This does not mean that local educational agencies have no role to play; subsection (2) would permit State educational agencies to authorize local educational agencies to develop their own assessment programs provided they meet state and federal requirements.

Under subsection (2), it is permissible for a State educational agency to select and submit to the Secretary an assessment program that has been developed in another State educational agency. This will encourage efforts to build on the strengths of those states that have devoted considerable thought and effort to meeting the challenge of new assessments and could spur interstate cooperation.[12] The risk that states will simply engage in a reflexive exercise of selecting off-the-shelf programs developed elsewhere is minimized by the fact that each state will remain responsible for gearing its assessments to the new content standards required by Section II and to the revised curriculum frameworks and new staff development efforts that will be required if the standards are to be met. While the Commission did not deem it advisable to prescribe procedures for States to follow in developing assessment programs, we strongly encourage the involvement of teachers in the process. They obviously have valuable experience to contribute, and they will be on the frontlines in assuring the success of new assessment programs.

Because the development of new forms of assessment is a task that is both central to any new drive for educational improvement and that poses difficult technical challenges, it is important that the Secretary of Education have the best advice

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[11] The Commission recognizes and respects the view of the National Alliance of Business and others that a national assessment system is needed to capture how well children are gaining those "skills and abilities [that] *all* children need if they are to be successful in society." But the Alliance itself acknowledges that a national system is a complex endeavor that may take many years to accomplish.

[12] California, Connecticut, Michigan, Kentucky, and Vermont are among the states that are reported to have made progress in this endeavor.

available in carrying out responsibilities related to assessment. Accordingly, our Commission proposes in subsection D(6) the creation of a Commission on Student Assessment to help define the state of the art, to review and provide comments to the Secretary on programs submitted by states and to assess the educational effectiveness along with any adverse consequences, of new assessments, for Congress and the Secretary.

The Commission should be a scholarly and independent body. We recommend that it be created by and housed in the National Academy of Sciences. The Academy was chartered by Congress in 1863 and has a mandate to advise the federal government on scientific and technical matters.

It should be noted that under subsection (1), assessments are required to be conducted only in local educational agencies and individual schools that are participating in the Chapter 1 program. While the federal government may well have authority to prescribe assessments for all schools within a district that receives Chapter 1 assistance, whether or not a particular school receives such assistance,[13] it is not necessary for Congress to act to the limit of its authority. As a practical matter, however, it would be very difficult for states to adopt different forms of assessment for non-Chapter 1 schools, especially since the Framework requires that the standards for Chapter 1 students may be not be lower than those applied to non-Chapter 1 students [Section II (A) (2)]. It should also be noted that under the Framework, where sampling is used, assessments done at Chapter 1 schools must provide a sampling of *all* students in the school and may not be limited to students who are identified as educationally or economically disadvantaged.

Subsection D(5), along with subsection F, specifies safeguards designed to protect students, particularly low-income, minority and limited English proficient students, that must be met as prerequisites to implementation of the new assessment measures. These are discussed in the commentary on subsection F.

Finally, it should be noted that subsection D(3) makes clear that the new forms of assessment are designed to replace completely the norm-referenced tests that are specified in the 1988 amendments and regulations and that are used for a variety of purposes under Chapter 1. Since the Commission regards the tests and the use of NCE gains as detrimental to educational progress, we recommend a repeal that will be effective immediately upon reauthorization of Chapter 1. State and local agencies can employ interim means of identifying schools most in need of assistance until new forms of assessment go into effect.

SUBSECTION E: SCOPE, FREQUENCY, CHARACTERISTICS, AND METHODS OF ASSESSMENT

1. Scope and Frequency

Subsections (1) (a)-(c) on scope and frequency are designed to strike a balance between the need to conduct accountability assessments often enough to assure that corrective action will be taken on a timely basis and the need to avoid testing that will place an unnecessary drain on a school system's resources.

The former need will be served by conducting assessments annually so that teachers, parents, and other members of the school community will have regular feedback on the progress being made by the school in increasing the proficiency of students.[14] At the same time, the provisions permitting assessments to be conducted on a sample basis and only at particular points in a student's career should help assure that preoccupation with testing does not overwhelm the instructional mission of the schools.[15]

While many proposals designate particular grades (e.g., 4 and 8), the Commission saw no reason why states should not be permitted flexibility in determining the appropriate grades for assessment. The exception here is the provision for a first grade assessment of oral language, emerging reading skills, and social skills.

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[13] Civil rights requirements, for example, have been applied to all schools within a local educational agency, not simply those that receive Chapter 1 funds.

[14] While assessments are to be conducted annually, the comparisons will be made on a two-year basis through the use of rolling two-year averages. *See* Section VIII B. This will prevent an aberrational outcome in a single year from having undue effect.

[15] Several Commissioners noted that it is possible and desirable, through a technique known as matrix sampling, to include all students in the grade being tested in some aspects of the assessment. While there is merit to a technique that broadens the test so that teachers must cover the entire curriculum in order to "teach to the test," the Commission decided that mandating matrix sampling would be overly prescriptive.

The Commission believes that an assessment along these lines should be included as a part of the overall system of assessment for accountability in order to provide sufficient incentives for attention to our youngest children. However, the Commission is aware of efforts currently underway—by the National Association for the Education of Young Children, the National Education Goals Panel's Planning Subgroup on School Readiness, and others—to define parameters and begin to develop an early childhood assessment system. Clearly, these recommendations should be considered together.

It is very likely that larger school districts will choose sampling over census testing. Sampling, if it meets professional standards of representativeness as required by subsection (1)(c), will yield data that will permit local educational agencies and individual schools to be held accountable. Such data, when reported by socioeconomic status, race, and ethnicity will also serve as a barometer on whether the major goals of Chapter 1 and the civil rights laws of providing equality of opportunity for those who have lacked opportunity in the past are being achieved.

2. Exceptions

Subsection (1)(d) sets a standard for determining whether special education students shall be included in assessments. Broadly excusing special education students from testing would lead schools and local educational agencies to increase such placement of marginal students. *See* Allington and McGill-Franzen, *Unintended Effects of Educational Reform in New York State* 5-7 [Final Report of Research funded by U.S. Department of Education, OERI (1991)], for evidence to this effect in New York. On the other hand, holding Chapter 1 schools accountable for moving students with severe learning disabilities out of the "not proficient" category could undermine the perceived legitimacy of the assessment system and could lead to exclusion of such children from regular public schools. The standard proposed—requiring that the disability be so severe that the student could not make educational progress even with supplemental services—is designed to provide safeguards against improper exclusion of students from assessment. It will also require the addition of definition and content of the Secretary of Education so that implementation will be fair and consistent. Under such a standard, virtually all hearing and visually impaired students would be assessed, while students who are properly determined to be "trainable mentally retarded" would not be assessed. The Secretary's guidelines should also make it clear that it is appropriate to make alterations in the learning environment to assist learning-disabled students who are included in the assessment.

The rationale for subsection (1)(e) is similar. Assessments should occur at a time when schools and school systems can fairly be expected to have made substantial progress in increasing students' proficiency. Accordingly, where a school has identified and is addressing the student's need to become proficient in English, it should be given a reasonable time before the student is included in an assessment of reading, mathematics, or other subject matter areas. While this subsection provides for a delay in including limited-English-proficient students in accountability assessments, schools and local educational agencies should monitor and report to parents the progress of these children as they do others under Section VII B.

Subsection (1)(f) is designed to establish a method for dealing with the mobility of many students. The subsection begins with the premise that students should not be excluded from assessment simply because they have moved within the school year. The most common problem of mobility is the movement of students *within* a district. As to such students, the subsection makes the local educational agency itself the only accountable unit. The local educational agency's progress in enhancing the achievement of students in the "floating school" would be assessed in the same way that progress with regard to individual students is assessed (i.e., by determining the increase in the proportions of students attaining the levels "partly proficient," "proficient or "advanced"). Local educational agencies, of course, would be required to keep good records in order to track transfers. The system might provide some incentive for the local educational agency to keep children in the

same school even when they change residence in mid-year, since the school then retains accountability for the student's progress. Such stability would be a plus.

Students who migrate into the district during the academic year would be part of the assessment (unless they arrive after the assessment has been conducted), but their schools and the local educational agency would not be held accountable for their progress until they have been present for a full academic year.

3. Characteristics

Subsection (2)(a) gives content to the requirement that accountability assessments be broad-based by requiring that the proficiency of students be determined in at least six areas—reading, mathematics, writing, history, geography, and science.

The exception in (2)(b), which stipulates that first graders should be assessed only to determine their developing skills in oral language, reading, and social skills, recognizes the dangers of overtesting in the early grades. At the same time, a failure to conduct appropriate assessments in the first grade would serve as a disincentive to the kinds of early intervention initiatives that have come to be recognized as critical to student success. One suggestion is that such testing would be most manageable if performed by Chapter 1-funded teachers working in schools other than their own. *See* R. Slavin, Three Days in May: How to Test First Graders, and Why This Is Essential in Chapter 1 Assessment (Baltimore, MD: Center for Research on Effective Schooling, Oct. 1991).

The categories of proficiency set out in subsection (2)(c) are the same as the those delineated as performance standards in Section II A (i)(d), and the rationale is that set forth in the commentary to that section.

In addition, although there is less concern about "teaching to the test" when tests measure what students actually know and can do, it would still not be sound policy to allow teachers to skew test results by concentrating instruction on a narrow range of items. With the required variation in (2)(d), the assessment will encourage teachers to cover the entire curriculum.

4. Methods

While stated very broadly, subsection (3) on methods contemplates the adoption of techniques of assessment that differ from the norm-referenced tests now widely used. One set of methods may include different types of "sit-down" or performance examinations that measure knowledge and skills by requiring students to complete a prescribed set of tasks in an examination setting. A second set of methods may involve project assessments, requiring participation by students in a learning or production activity that extends over a period of time.

As stated by Marc Tucker and Lauren Resnick, the distinguishing characteristics of these latter methods of assessment are as follows:

> All of these modes of assessment would stress the application of knowledge and skill in real life situations, in which there is rarely only one right answer to a problem and in which much of the art of solving the problem lies in framing it well. This combination of modes of assessment is designed to accommodate competence. These demonstrations of competence could occur over a period of years so that students need not feel that everything depends on what they do in a day or two of high pressure examination. They can begin to take pride, instead, in a record of cumulative achievement. Setting a New Standard: Toward an Examination System for the United States (joint proposal of the Learning Research and Development Center and the National Center for Education and the Economy, Oct. 1990).

The new forms of assessment proposed also address the problem inherent in norm-referenced testing that students may be rated "above average" whether or not they have mastered the skills and knowledge purportedly being measured.

SUBSECTION F: PREREQUISITES FOR IMPLEMENTATION

The new methods of assessment cannot be expected to achieve the ambitious aims set forth in this section unless teachers, parents and students have a clear understanding of the content, goals and uses of the assessments. Accordingly, subsection (1) requires State educational agencies and local educational agencies to assure that such information is disseminated at the school level, including appropriate ex-

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amples of student work that would meet standards. This subsection, along with Section II(c) on supplemental local standards, is intended to make the new requirements meaningful and understandable at the school level, a vital endeavor if the new standards and assessments are to serve as a catalyst for improved student performance.

As noted, the assessment requirements of this section, along with the standards requirements of Section II, are specifically intended to have a major influence on what is taught, how it is taught, and how students learn. Since a reshaping of instructional strategies and of the curriculum will not occur automatically merely because new forms of assessment are required, State educational agencies must be called upon to work with local educational agencies and schools to accomplish these aims. The requirements are stated generally in subsection (2), and the staff development requirement receives elaboration in Section IV. Because assessments ultimately will become meaningful only after the adoption of revised instructional strategies and curriculum, subsection (2) calls upon State educational agencies to assure that these are in place no later than the time at which the second assessment is conducted. Because progress is heavily dependent on the implementation of teaching strategies and curriculum that are geared to the standards, the work in these two areas should be attended by a particular sense of urgency.

SUBSECTION G: USES OF ASSESSMENT AND SAFEGUARDS

Subsection (1) is designed to reinforce the basic premise that all children can learn and that assessments are a method for holding schools and school systems accountable for the success or failure of students.

Subsection (2) is designed to assure that information is collected and reported in ways that will permit schools and school systems to be held accountable for progress. It also is designed to reinforce the underlying premise of the statute that the expectations for Chapter 1 students are as high as the expectations for all students. The requirement that information be reported by racial and ethnic group reflects longstanding national concern about the impact of discrimination on educational attainment and the effort through civil rights laws and education programs to eliminate disparities caused by discrimination. In no way does the reporting of data by race suggest the imposition of quotas or other numerical requirements.

The overall school data and the data on economically disadvantaged and nondisadvantaged students required by this subsection form the predicate for the enforcement provisions contained in Section VIII.

Subsection (3) addresses the concern that while high standards and expectations for all children are an imperative, the adoption of new standards and assessments may result in large-scale failure of minority and disadvantaged children. In essence, this subsection recognizes that while it is appropriate and necessary after certain steps are taken to use the new assessments to hold schools and local educational agencies accountable, it would not be appropriate during the next Chapter 1 authorization to attach stakes for individual students to the assessment. Accordingly, subsection (3) specifically bars the use of assessments as the basis for retaining students in grade or withholding a high school diploma.[16]

In this, the subsection is consistent with cases requiring due process to be accorded before school systems can use competency exams to deny high school diplomas. *See, e.g., Debra P. v. Turlington*, 474 F. Supp. 244 (M.D. Fla. 1979), *aff'd in part*, 644 F.2d 397 (5th Cir. 1981). Ultimately, once teaching and the curriculum fully prepare students to demonstrate on the assessments what they know and can do, the assessments may provide an appropriate basis for individual decisions about students.

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[16] State and local educational agencies should also be reminded that the use of accountability assessments (or other tests) as a basis for tracking or classifying children by ability may violate the civil rights laws where the result is racial isolation of children in classrooms. *See, e.g., Larry P. v. Riles*, 793 F.2d 969 (9th Cir. 1989); *Hobson v. Hansen*, 269 F. Supp. 401 (D.D.C. 1967), *aff'd sub. nom. Smuck v. Hobson*, 408 F.2d 175 (D.C. Cir. 1969) (*en banc*). *See also*, Finding 11, Section II, *supra*.

SECTION VIII

ENFORCEMENT: BENEFITS AND SANCTIONS

A State Enforcement Process

Each State educational agency shall develop and submit to the Secretary no later than June 1, 1996, an enforcement process designed to assure the performance of all responsibilities vested by this Act in the State educational agency and in all local educational agencies and schools under its jurisdiction and the realization of all rights established by this Act. The enforcement process shall consist of, but not be limited to, the following elements:

(1) PROVISIONS SHALL BE DESIGNED to assure that within five years after the completion of the first assessment conducted pursuant to Section VII, all schools will have made adequate progress pursuant to the criteria established in subsection B of this section in assisting students served by this Act in reaching the level of proficient or advanced appropriate to their grade level under the standards provided for in Section II and, further, in the event that adequate progress has not been made, to assure that the educational environment and services made available to students served by this Act will be changed substantially enough to enable them to reach these levels.

(2) ASSURANCE SHALL BE PROVIDED by the State educational agency that persons charged with responsibility under this Act are provided with adequate resources, pursuant to the requirements of subsection II A (1)(e) (delivery standards), Section IV (help and capacity-building), and subsection III A (7)(c) (fiscal equity) and with adequate decision-making authority to carry out their duties effectively.

(3) A TIMETABLE FOR THE ACHIEVEMENT OF THE OBJECTIVES specified in subsection (1), which shall include the following:

(a) an identification, beginning with the third annual assessment, of local educational agencies and individual schools that are failing to make adequate progress pursuant to the criteria developed under subsection B (1), *infra,* in decreasing the proportions of children who are not proficient and in increasing the proportions of children who have attained the proficient and advanced levels called for in Section II of this Act;

(b) the provision to local educational agencies and to individual schools that fail to make adequate progress of technical and consultative assistance, including the retention of experienced and distinguished educators, to identify and analyze barriers to progress such as teaching, curriculum and management or organizational deficiencies, and to prescribe specific steps for improvement;

(c) the publication and dissemination to teachers, parents, students, and the community of the results of the school and local educational agency assessments and the convening of public meetings to explain the results of the assessments and to describe any corrective action that will be undertaken;

(d) the prescription of measures that will be taken to change the educational environment if, after the fourth assessment, a local educational agency or an individual school fails to make adequate cumulative progress pursuant to the criteria developed under subsection B (1).

(4) WHERE A LOCAL EDUCATIONAL AGENCY or individual school fails to make adequate progress pursuant to the provisions of subsection A (2)(d) of this subsection, the State educational agency shall be responsible for assuring that prompt enforcement measures are undertaken to bring about compliance:

(a) The State educational agency, in its discretion, may appoint an inspector or inspection team which shall promptly visit the site to determine (i) whether the identification of the local educational agency or school as having failed to make adequate progress has resulted from a consistent application of State educational agency standards and assessment programs throughout the State or local educational agency and, if so (ii) whether there are immediate measures that may be undertaken by the local educational agency or school that hold substantial promise of demonstrating adequate progress pursuant to the criteria developed under subsection B (1) within a period of 120 days from the date of the visit. If the inspection team determines that such immediate measures hold promise and are warranted, it shall have

authority to secure from the State educational agency or local educational agency resources that it determines are necessary to secure adequate progress.

(b) If at the conclusion of the 120-day period provided for in subsection A (4) or, in the absence of appointment of an inspection team, at the appropriate dates designated in subsection A (3)(d), adequate progress has not been made, the State educational agency shall take prompt action to change the educational environment.

(5) THE CHANGES IN EDUCATIONAL ENVIRONMENT called for in subsection (3)(d) shall be effectuated by benefits in the form of incentives and rewards that enhance the resources and status of successful schools, by sanctions that close or change the operation of unsuccessful schools and by other measures that provide opportunities for students to move from unsuccessful to successful schools. These benefits, sanctions, and other measures shall be applied to schools and local educational agencies and shall be both individual and institutional in character:

(a) In the case of individual schools that make adequate progress, benefits may include, but are not limited, to:

(i) institutional rewards, such as recognition for the school, greater decision making authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain and increase success, additional financial assistance to accommodate the needs of students who transfer under the provisions of subsection (5)(c), *infra*, and increased access to resources that may otherwise enable the school to serve larger numbers of children or to render assistance to other schools;

(ii) individual rewards, such as recognition of school staff, additional professional development opportunities, opportunities to participate in special projects involving increased responsibility, such as curriculum development projects, and financial bonuses.

(b) In the case of individual schools that fail to make adequate progress, sanctions may include, but are not limited to:

(i) institutional penalties, such as publication of the deficiencies of the school, loss of decision-making authority at the school building level, and the initiation of alternative governance arrangements, such as the creation of a charter school, or closing of the school;

(ii) individual penalties, such as reductions in pay, dismissal, or transfer of the principal or other staff members in accordance with the applicable provisions of state law, provided, however, that no staff member transferred under the provisions of this subsection shall be retained as a staff member at a participating school.

(c) Notwithstanding the adoption of any other measure under subsection (5)(b) applying to schools that fail to make adequate progress, the State educational agency shall establish a right of transfer by students from schools that are failing to make adequate progress to other schools in the local educational agency that are making such progress, and shall assure that adequate resources are provided for transportation to make the right effective.

(d) In the cases of local educational agencies that make adequate progress, benefits may include, but are not limited to, institutional and individual rewards of the kind described for individual schools in subsection (5)(a), *supra*, but that are applicable on a systemwide level.

(e) In the case of local educational agencies that fail to make adequate progress, penalties may include, but are not limited to:

(i) dismissal of the superintendent or other local educational agency personnel;

(ii) appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board;

(iii) the removal of particular schools from the jurisdiction of the local educational agency and the establishment of alternative arrangements for governing and supervising such schools;

(iv) abolition or restructuring of the local educational agency through annexation by other local educational agencies or by other means.

(f) Notwithstanding the adoption of any other measure under subsection (5)(e) applying to local educational agencies that fail to make adequate progress, the State educational

agency shall establish a right of transfer by students from local educational agencies that are failing to make adequate progress to schools in other local educational agencies that are making such progress, and shall assure that adequate resources are provided for transportation to make the right effective.

(6) COMPLAINT ADJUDICATION

(a) An administrative process shall be established within the State educational agency for the adjudication of complaints by parents, students, teachers, and other school staff or their representatives. Such process shall provide to complainants remedies for the failure of a local educational agency or school to comply with the delivery standards set forth in Section II A (1)(e), unless such local educational agency or school has made adequate progress under Subsection (B) of this section, to carry out the staff development obligations set out in Section IV and to implement the empowerment measures set out in Section V. Included in the process shall be the method by which the State educational agency will notify parents and students about the availability of administrative remedies and the provision of technical assistance to parents and students who avail themselves of such remedies. The process shall also specify timelines designed to assure that decisions will be reached in an expeditious manner and shall also provide for the appointment of independent administrative law judges whose sole responsibilities are administrative adjudication. State educational agencies are encouraged to supplement this administrative process by establishing procedures for conciliation or other forms of alternative dispute resolution to resolve disputes within a local educational agency between local educational agency officials, teachers and other staff, parents, and students on matters within the purview of this Act.

(b) The State educational agency shall establish procedures that effectively prevent retaliatory personnel practices by any recipient against an employee for assisting or demonstrating an intent to assist in securing any right guaranteed by this Act or in achieving compliance with any requirement of this Act.

B Duties of the Secretary of Education

To assure compliance with all provisions of this Act, the Secretary shall:

(1) PROMULGATE REGULATIONS TO DEFINE "ADEQUATE PROGRESS" as used in subsection VIII A (2) by schools and local educational agencies toward the goal of assuring that all students acquire the knowledge and skills that are necessary for sustained success. In defining "adequate progress," the regulations:

(a) shall call for a comparison at each school of the proportions of students who are not proficient, partly proficient, proficient, and advanced at the grade levels at which assessments under Section VII are conducted with the proportions in each of the four categories one period earlier, provided that the periods established for comparison shall be rolling two-year periods in which the second year of each period will be included as the first year of the succeeding period and the comparisons will be based on average scores for each two-year period (i.e., the comparison after the third assessment will be between the average scores in year two and three and the average scores in year one and two);

(b) shall require after the fourth assessment period (when two comparisons will have been made) a cumulative reduction in the proportions of total students and of low-income students who are not proficient by at least 10 percentage points and a cumulative increase in the proportions of total students and of low income students who are proficient or advanced of at least 10 percentage points, provided, however, that where a State educational agency adopts supplemental outcome measures such as reductions in dropout rates, a school may be deemed to have made adequate progress if it (i) reaches 80 percent of the goal with respect to student proficiency (i.e., achieves a cumulative reduction of eight points in nonproficient students and a cumulative increase of eight points in proficient or advanced students) and (ii) meets its targets on the supplemental outcome measures;

(c) shall require for each assessment period after the fourth assessment that there be a reduction in the proportion of total students and low-income students who are not proficient of at least five percentage

points and an increase in the proportion of total students and low-income students who are proficient or advanced of at least five percentage points, subject to the same proviso stated in subsection (b) above;

(d) while requiring compilation and reporting of comparative data on each subject on which students are assessed and for each grade, shall permit the establishment of a composite rating under which a school shall be deemed to have made adequate progress when the reductions and increases required by subsections (b) and (c) are achieved in a majority of the subjects at each grade level assessed;

(e) shall provide that notwithstanding the provisions of subsections (b) and (c) for schools that reach 80 percent of the total number of students and low-income students performing at proficient or advanced levels the required percentage point progress during each period shall be reduced by the Secretary and that for schools that reach 95 percent of the total number of students and low-income students performing at proficient or advanced levels the requirement of adequate progress shall be deemed satisfied; and

(f) shall permit a local educational agency to be deemed to have made adequate progress when the reductions and increases required by subsections (b) and (c) are achieved on a systemwide basis, which includes all schools in which Chapter 1 services are offered in a majority of the subjects and in a majority of the grade levels assessed.

(2) INITIATE ENFORCEMENT ACTION in any case where a State educational agency fails to comply with its obligations under Section II (Standards), Section III (Eligibility), Section IV (Help and Capacity-Building), Section V (Parent Empowerment), Section VI (Health and Social Services), Section VII (Assessment) and Section VIII (Enforcement) of this Act or where a local educational agency or school fails to comply with obligations under Subsections II A (1)(e) and II C, Section III, Section IV, Section V, Section VI, or Section VII of this Act, provided, however, that an action based on Subsection II A(1)(e) may not be commenced against a local educational agency or school that has made adequate progress under subsection B of this section. Sections 1433 and 1434 of P.L. 100-297 (20 U.S.C. §2833), setting forth the duty of the Secretary to withhold funds for noncompliance, and Sections 451-460 of the General Education Provisions Act (20 U.S.C. §1234), setting forth procedures for recovery and grantback of funds shall apply to the obligations under this Act;

(3) PREPARE AND PUBLISH ANNUALLY A REPORT TO THE CONGRESS and the public on the status of implementation for each state, which report will describe whether adequate progress is being made on a statewide basis and assess the adequacy of State enforcement.

C Enforcement by Private Persons

(1) THE RIGHTS GRANTED AND OBLIGATIONS SET FORTH with respect to State educational agencies in Sections II, III, IV, V, VI, VII, and VIII of this Act and with respect to local educational agencies and schools in subsections II A (1)(e) and II C, Section IV, Section V, Section VI, and Section VII may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate state or local courts of general jurisdiction provided, however, that an action based on Subsection II A (1)(e) may not be commenced against a local educational agency or school that has made adequate progress under subsection B of this section. Exhaustion of available administrative remedies is not a prerequisite to the filing of an action under this subsection.

(2) UPON APPLICATION BY THE PLAINTIFF and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

(3) THE COURT MAY GRANT AS RELIEF, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other

order, together with court costs, including expert witness fees and reasonable attorney fees in the case of a prevailing plaintiff.

★ The Commission's Commentary on Enforcement

Experience teaches that as a statute designed to accomplish fundamental institutional change, Chapter 1 will accomplish its objectives only if it has strong and effective enforcement provisions.

In the early years, despite a clear statutory mandate to the contrary, then-Title I was treated by many local educational agencies as a general aid statute, leading to blatant misallocation of funds to the detriment of the disadvantaged students who were the stated beneficiaries of the law. Exposure of these practices led to strengthened enforcement and ultimately to educational gains for low-income students.

In 1992, the terms of the debate have shifted and the challenge of devising an effective enforcement system is more complex. The concerns expressed by some conservatives in years past that federal aid to education posed a threat of federal control have long since dissipated. Indeed, many who in the '50s and '60s either opposed federal aid or demanded stringent guarantees of state and local rights now call for a stronger exercise of national authority in the form of national standards, centrally directed assessment, a model national curriculum, or other initiatives.

At the same time, experience has taught proponents of Chapter 1 that their aims cannot be accomplished simply by grafting federal requirements that attention be paid to disadvantaged youngsters to existing systems of education. That approach has led to separate and unequal pullout programs in schools and school systems that also are not meeting the needs of most of their students. Experience has also taught that the strength of an enforcement system does not reside in the length and detail of a code of regulations. Far from assuring that educational opportunity for low-income children will be provided, intrusion by the federal government on a day-to-day basis in the operation of public schools may inhibit the creativity and flexibility needed to bring about change. Instead of detailed regulation, what is needed is a system of accountability for outcomes, along with remedies that are readily available when schools and school systems do not meet their obligations.

What unites the members of this Commission with many others of varying political perspectives is a core belief that the central objective of Chapter 1 in providing disadvantaged young people with access to genuine educational opportunity cannot be achieved without major systemwide changes in public education and that the federal government has an appropriate, indeed an essential, role in stimulating such reform. That is why this Framework has focused on such important matters as the need for new standards, for greater targeting of Chapter 1 dollars to schools with large concentrations of poverty, for major infusions of assistance into professional development and building the capacity of schools, and for more equitable systems of allocating resources to public education. The challenge has been to devise a system of enforcement that recognizes that change must be stimulated not imposed from above, while assuring that the change needed to serve low-income children actually takes place.

To meet this challenge, the Commission proposes an enforcement process that has several innovative elements.

- The centerpiece is holding schools and local educational agencies accountable for outcomes, i.e., for their success in helping students acquire higher order skills. An outcome-based system will afford schools flexibility in how they achieve results and will avoid the pitfalls of federal overregulation and micromanagement. The inputs required are assurances that needed resources are provided to enable principals and teachers to meet their obligations.
- Enforcement tools will not be dictated by the federal government but selected largely by states from the arsenal provided *in their own laws and Constitutions* to assure the proper operation of public schools. What will be different is the requirement that these tools—both rewards and sanctions—be used to assure that schools meet their obligations to low-income students.

■ The enforcement process will involve a series of graduated steps to be taken after a school is identified as failing but before sanctions are imposed. This measured response—including technical assistance, consultations in the school community about corrective steps, and visits from an inspection team that can requisition any needed resources—should enable many schools to come into compliance without the imposition of sanctions.

■ Rights will be secured not exclusively by litigation but by requiring states to provide an accessible administrative process for resolving complaints by parents, students, and teachers and by encouraging other informal methods of dispute resolution.

■ Where schools or school systems continue to fail, parents will not be relegated to legal action alone but will have a right to transfer their children from failing to successful schools, with transportation provided where needed. This is a form of public school choice, but one tailored to the needs of disadvantaged students and that protects the vitality of public schools.

■ The fulcrum of the enforcement process is a carefully drawn requirement that schools and school systems make adequate and continuous progress, progress that will ultimately close the gap for disadvantaged students. The progress called for does not allow for "creaming" because it includes *both* a reduction in the numbers or low-income children performing at the lowest levels and an increase in the numbers of such children performing at the highest levels. Adequate progress will be determined through assessments in a broad range of subjects.

SUBSECTION A: STATE ENFORCEMENT PROCESS

This subsection represents an effort to establish a workable enforcement scheme for the outcome-based provisions of the Framework, i.e., those that require progress by local educational agencies and individual schools in assuring that children participating in Chapter 1 meet the high standards established in Section II as measured by the new forms of assessment established in Section VII.

The Framework proceeds from the premise that the task is far too complex for a uniform national approach backed by federal enforcement. Instead, the Commission proposes that each State educational agency be required to develop its own enforcement process pursuant to some well-defined parameters set forth in the statute. The federal role would be to review State enforcement plans to determine their adequacy and then to monitor their implementation.

Key to the whole enforcement process is a determination of what constitutes "adequate progress" for a local educational agency and for individual schools in helping substantial numbers of students to move from one level of proficiency to the next. In subsection B, the Commission proposes the content it believes Congress should give to the concept of "adequate progress" while authorizing further elaboration by the Secretary of Education.

In general, the major structural changes in school systems and individual schools that are required where adequate progress is not made are not likely to occur for several years. This is a long period, but it appears unavoidable, since four annual assessments will have to be conducted before clear trend data are available. Much will be happening during this period, however, that should decrease the numbers of schools ultimately determined not to be making adequate progress. The help and capacity-building measures contained in this Framework will strengthen the instructional program and organization of many schools. Schools and local educational agencies that have been victims of fiscal inequity will receive new resources to help them meet their responsibilities. The new assessment and curriculum measures will provide additional strength. *See* Timetable *infra*.

In subsection A, several preliminary steps are specified before sanctions can be imposed. The first, in subsection (2)(b), is the provision of technical and consultative assistance to begin after the third assessment before a formal determination of adequate progress has been made, but when problem schools are beginning to emerge. The reference to the retention of "experienced and distinguished" educators is drawn from the Kentucky Education Reform Act of 1990, which also provides for outcome-based enforcement. The second, in subsection (3)(c), calls for the convening of public meetings so that all members

of the school community may be informed of problems revealed by the assessments. Like other provisions of the Framework, this one is designed to improve the capacity of participants in the school community to take corrective action.

A third intermediate step, in subsection (4), would take place after a school or school system has been identified as failing to make adequate progress and has failed to respond to technical assistance. The new step authorizes the creation of an inspection team (1) to determine whether the identification of the school was correctly made pursuant to a consistent application of State educational agency standards and (2) whether there is substantial promise that if emergency measures are undertaken in a 120-day period, the school could be moved out of the failing category. If the determination is affirmative, the inspection team could secure from the local educational agency or State educational agency needed resources to aid in the process. If the process fails, sanctions would be invoked.

One advantage of having an inspection team is to introduce an element of human judgment into what otherwise might become a mechanical process.[17] Such judgment may be particularly necessary where the failure of the school may result from inconsistencies in the application of the less objective aspects of the assessment process. The inspection team would also be authorized to secure on an emergency basis resources that the school claims are impeding its efforts to make adequate progress.

To minimize the risk that the inspectorate would introduce a new layer of bureaucracy and delay, the inspectors would be required to operate within tight time frames. And the subsection makes clear that the results of assessments are still the controlling factor in determining whether sanctions will be applied. With these caveats, positive experience in the United Kingdom and in the State of California with the use of inspectors suggests that they will be a substantial aid to the enforcement process.[18]

The types of ultimate sanctions specified in A (5) are grouped together under the heading "changes in the educational environment" since all would either drastically restructure the schools (or local educational agencies) that are failing or would enable students to transfer to schools that are making progress. The types of benefits specified in A (5) will also help to change the educational environment by increasing the capacity of successful schools to serve more students and by providing incentives for schools to succeed. Separate benefits and sanctions are specified for individual schools and for school systems. Both benefits and sanctions would have institutional, as well as individual, components. Individual rewards and sanctions would have to do with pay, advancement, professional opportunities, and retention. Institutional rewards and sanctions would have to do with school recognition, school resources, school decision-making authority, and the continued existence of the school or the local educational agency.

It should be noted that while additional resources are specified as a reward for successful schools, fund cut-offs are not to be used as a sanction for unsuccessful schools since this would penalize individual students. The basic sanction for these schools is to make personnel or other changes designed to help the school become successful, or else to close the school.

In addition to the rewards and penalties set out in subsections (5)(a), (b), (d), and (e), a right of transfer is provided for students from failing schools in (5)(c) and from failing school districts in (5)(f).

The right to transfer out of a failing Chapter 1 school to a successful school or school district is a species of public school choice that is tailored to the objectives of Chapter 1. Where other avenues of change have proved unavailing, the right to transfer provides a direct form of self-help. To assure that the provision helps those who are most in need, State educational agencies are required to assure that students are

[17] For example, two schools may perform equally well on the performance examination segment of assessments, but one may drop into the failing category because of lower ratings on the more subjective project assessments. The inspection team could conduct comparisons to determine whether these differing ratings of project work between schools or districts are warranted.

[18] Under the British inspectorate system, teams of educators visit schools periodically to study intensively the teaching and learning that is taking place. The system, in effect for more than a century in the United Kingdom, has attracted interest in the United States. See Education Week, Sept. 9, 1992, at 1, 31.

provided with transportation.

Enforcement of rights contained in the Framework other than those that are outcome-based should be somewhat less complex. Subsection (5)(a) calls on the State to establish an administrative process to handle complaints by parents, students, teachers and other members of the school community. Such a process, which already exists in many states, would provide an avenue of redress that would avoid costly court litigation. For example, the delivery standards called for in Section II, including requirements for high-quality staff development, up-to-date texts and materials, and parental involvement, would be enforceable through the State administrative process. Such a proceeding might be initiated by a teacher concerned that lacking critical resources, her school would not make adequate progress. Or an action might be filed by a teacher for parent after a determination had been made that the school had failed to make adequate progress. In addition to the administrative process, states are encouraged in this subsection to establish more informal means for dispute resolution.

SUBSECTION B: DUTIES OF THE SECRETARY

As previously noted, the heart of an enforcement process that seeks to hold schools accountable for student performance is the definition of "adequate progress." Subsections (1)(a)-(d) call on the Secretary to develop regulations on this issue, but also provides substantial guidance on how "adequate progress" is to be defined. The operation of subsections (1)(a) and (b) may be illustrated as follows:

Sixth Grade Math Assessment

	School A		School B		School C	
	1997	*1998*	*1997*	*1998*	*1997*	*1998*
% Not Proficient	35	30	35	35	35	30
% Partially Proficient	35	40	35	30	35	35
% Proficient	15	15	15	20	15	20
% Advanced	15	15	15	15	15	15

School A meets the standard for reducing "not proficient" (a 5 percentage point reduction) but does not meet the standard for increasing "proficient" and "advanced" by 5 percentage points. School B meets the standard for increasing "proficient" and "advanced," but not for reducing "not proficient." Only school C meets both standards. It should be noted also that what is called for is a percentage *point* reduction not a percentage reduction. Thus, a school that reduced the proportion of "not proficient" children from 15 percent to 12 percent would not have achieved the required percentage point reduction even though it reduced the percentage of "not proficient" children by 20 percent.

Subsection (1)(a) is intended to state clearly the responsibility of each school for raising the performance of two groups of students—those who are not proficient at all and those who have reached only partial proficiency. Failure to require both groups to be served would defeat essential purposes of Chapter 1, either by encouraging "creaming" or by permitting the law to continue as a mechanism which encourages schools to settle for basic skills for low-income students. Subsection (1)(a) provides that the comparison periods shall be "rolling two-year periods." So, in the example above, the combined results of assessments conducted in 1994 and 1995 will be averaged and compared with the averaged result of those conducted in 1993 and 1994. The purpose is to avoid the danger that aberrational results in a single year will skew the outcome.

Subsections (b) and (c) are intended to make it clear that the reductions and increases called for are required for the school as a whole *and* for the low-income (school lunch-eligible) students in the school. Accordingly, a school with a school-lunch-eligible population of 30 percent could not meet the

requirements of adequate progress simply by making gains with respect to the 70 percent nondisadvantaged enrollment.

Subsections (b) and (c) also recognize that while achievement of proficiency on the new assessments is the critical measure of success, schools may show progress in other ways, such as lowering dropout rates. If a State educational agency chooses to adopt such supplemental outcome measures, (b) and (c) permit them to be used for up to 20 percent of the determination of adequate progress.

Subsections (1)(d) and (e) are designed to deal with the question of how to determine whether a school or school system has made adequate progress when there are multiple assessments and, in some cases, multiple grades. Under the proposal, if there are five assessments each year at grade 4 (e.g., reading, mathematics, writing, science, and social studies), a school will be called on to demonstrate the required progress in three of the assessments in order to be deemed to have made adequate progress overall. An alternative approach would permit this type of composite rating but would make gains in reading a *sine qua non* for a school to be deemed to have made adequate progress.

Where assessments are conducted at more than one grade level in a school (e.g., grades 1 and 4), a school would be required to make adequate progress at all levels to avoid sanctions.

As for school systems, the universe would be all children in schools that receive Chapter 1 assistance. A local educational agency would be deemed to have made adequate progress if it achieved the increases and reductions called for both in a majority of subjects in which students are assessed and in a majority of the grade levels. Again, the gains would have to be made both for the total universe and separately for low-income students.

Under the foregoing provisions, after four assessments, there will have been two periods for measuring progress—the gains made in assessments 2 and 3 over assessments 1 and 2 and the gains made in assessments 3 and 4 over assessments 2 and 3. Subsection (b) provides that if a cumulative 10-point gain is made during this period, a district school will be deemed to have made adequate progress, however that gain is distributed over the two comparison periods. Under subsection (c), 5 points of progress will be required thereafter on an annual basis. So, for example, a school will be deemed to have made adequate progress if, after the fifth assessment (a combination of assessments 5 and 4), it has made 5 points of progress over assessment 4 (a combination of assessments 4 and 3).

The Commission believes, based on research gained from successful school improvement programs, that the measure of "adequate progress" is reasonable and achievable. *See, e.g.*, N. Madden, R. Slavin, N. Karweit, L. Dolan, and B. Wasik, *Success for All: Longitudinal Effects of a Schoolwide Elementary Restructuring Program*, American Educational Research Journal (in press). It does not have the defect of the current system of using NCE gains as a trigger, a system that allows schools that are not serving their students well to escape accountability. At the same time, the major school improvements and reforms to be undertaken should result in a great many schools making adequate progress so that sanctions will not be required in such large numbers as to overwhelm the system.

The definition would also accord with a long-range goal of having 95 percent of all students performing at proficient or advanced levels within a student generation of 14 years. A school that begins with as many as 35 percent of its fourth graders rated as "not proficient" and as few as 30 percent rated "proficient" or "advanced" would, if progress were maintained, reach the goal of having no students who were nonproficient and 95 percent who were proficient or better after 14 years.

The enforcement section also retains methods of enforcement that are currently contained in Chapter 1. The Secretary is required to secure compliance and may be required to withdraw funds in situations where compliance is not secured by other means. In addition, under subsection C, aggrieved persons or their representatives would have a right to file lawsuits in federal or state courts.

Some of the obligations placed on State educational agencies would be self-enforcing. For example, where State educational agencies failed to submit acceptable standards or assessment under Sections II and VII, the Secretary could require them to adopt acceptable programs submitted by other State educational

agencies. Other requirements, e.g., to provide staff development and other kinds of services, would be enforced in the same way as the requirements on local education agencies. As to statewide comparability, states that fail to equalize critical services would lose funds entirely.

TIMETABLE FOR ASSESSMENTS, STANDARDS, AND ENFORCEMENT

In constructing this Framework, the Commission has sought to balance the sense of urgency its members feel about providing genuine educational opportunity for disadvantaged children with a realistic estimation of the time needed to accomplish major reform.

It seems clear that while some changes can be accomplished quickly, it will take the better part of a decade for all the pieces to be in place and for the new system to be fully operational. But this should not mean a loss of educational opportunity for children who are or will be in school in the 1990s. Even before new standards and assessments are adopted, State and local educational agencies will be able to identify schools that are failing to meet their obligations to disadvantaged students. Such schools can certainly be targeted for intensive technical assistance, along with the help and capacity-building measures called for in this Framework. Indeed, where schools fail to respond to such assistance, the work of restructuring can begin even in advance of a formal determination of a failure to make adequate progress.[19]

Fairness dictates that the federal government not impose sanctions on school districts and schools before they have had an adequate opportunity to fulfill their obligations to students. But this does not mean that the recommendations contained in this Framework should be regarded as mechanistic measures to be applied by the numbers. Rather they are intended to reinforce reforms that are already underway, to assure that disadvantaged students benefit from these reforms and to serve as a catalyst for change in the educational environment at all levels, federal, state and local.

For the reasons outlined above, the Commission recommends a ten year authorization instead of the usual five year period. A longer authorization, of course, will not impede the ability or responsibility of Congress to monitor the implementation of Chapter 1 and to respond legislatively to any needs that become evident. Among the key dates are the following:

1994: Chapter 1 to be reauthorized for a period of 10 years. Participating schools to invest at least 10 percent of their allotments on staff development and State educational agencies to spend up to 5 percent to increase kind and quality of resources for staff development.

January 1996: Secretary of Education publishes data on equity within each state in furnishing education services to disadvantaged students.

June 1996: State educational agencies submit their enforcement plans to the Secretary of Education. State educational agencies required to submit new standards [II (B)(1)] and new assessments [VII(D)] to the Secretary of Education for implementation in the spring of 1997 and annually thereafter.

Spring 1998: State educational agencies required no later than second assessment [VII(F)(2)(a) and (b)] to assure that curriculum is revised and that teachers are pursuing instructional strategies that will enable students to meet standards.

Fall 1998: States required to assure that educationservices that are essential are provided on a comparable basis throughout the State.

Spring 2000: Fourth assessment takes place. School systems and individual schools are responsible for making 10 points of progress.

2000 to 2003: Schools and local educational agencies that have failed to make adequate progress are visited by inspection teams and subject to sanctions. Those that have made adequate progress are eligible for incentives and rewards. Requirements for adequate progress continue on an annual basis and additional schools become subject to rewards and sanctions.

2003 to 2004: Congress considers reauthorization of Chapter 1.

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[19] One suggestion made during the course of the Commission deliberations was that schools that under current law have been identified as "schools in need of improvement" and that have not responded to ameliorative efforts could become subject to enforcement action as soon as the State's Enforcement Plan is adopted. Ultimately the Commission decided not to embrace this recommendation because the mechanistic method of using NCE gains or losses to categorize schools as in need of improvement is not reliable enough to retain even on an interim basis. But, even as they are developing new forms of assessment, State and local education agencies should be using whatever methods best suit their needs to identify failing schools and to take needed action.

SECTION IX

RESEARCH, DEVELOPMENT, EVALUATION, AND DISSEMINATION

(1) THE SECRETARY OF EDUCATION shall reserve the greater of $70 million or one percent of funds appropriated under this Act each year to fund research, development, evaluation, and dissemination of effective practices and strategies for the education of economically disadvantaged children, including assistance to universities, research organizations, and other institutions:

(a) to develop, evaluate, and disseminate programs, materials, teaching methods, staff development methods, school organization plans, and other replicable programs and practices intended to enhance the higher-order skills of students attending participating schools as defined in this Act;

(b) to conduct third-party, independent evaluations of programs and practices identified by the Secretary as promising;

(c) to study the processes by which schools adopt, adapt, and institutionalize innovations; to identify and study unusually effective Chapter 1 schools and programs; to experiment with means of implementing and maintaining comprehensive school-wide organizational improvements; and to conduct other research needed to provide Chapter 1 schools with the exemplary instructional, curricular, organizational, and professional development programs;

(d) to fund formative evaluation of changes in educational systems brought about in whole or in part as a result of this Act, including assistance to universities, research organizations, State and local educational agencies, and other institutions to conduct research and evaluation at the State, local educational agency, and school level, including, but not limited to, research either singly or in combination:

(i) on uses, types, and effects of standards developed and promulgated pursuant to Section II; of assessment systems developed pursuant to Sec. VII; and of enforcement systems developed pursuant to Section VIII;

(ii) on the school planning, improvement, decision-making, assistance, and parent involvement processes undertaken pursuant to Sections IV, V, and VIII; and

(iii) on the types and effects of changes in state and local educational agency resource allocation systems attributable to the requirements of Section III;

(e) to provide assistance to developers of successful programs to establish national or regional dissemination to replicate their programs, which may include model "lighthouse" schools to serve the state or region;

(f) to inform staff of participating schools about alternative, effective programs and strategies that may meet their needs;

(g) to establish predoctoral and postdoctoral fellowships and training programs to attract talented social scientists and educators, especially members of under-represented minority groups, into research and development of programs for disadvantaged students, and to provide such persons with high-quality training; and

(h) to provide periodic summaries of research on topics relevant to the design and implementation of effective Chapter 1 programs, such as research on reading and content area instruction, parent involvement, early childhood education, grouping, classroom assessment, and motivation. Such summaries shall be written for and disseminated to parents and community members, as well as for educators.

(2) THE PROVISIONS IN THIS SECTION ARE INTENDED TO SUPPLEMENT and not to supersede research functions currently retained by the United States Department of Education, such as those of Policy Evaluation Services and the Office of Educational Research and Improvement (OERI).

★ The Commission's Commentary on Research and Development

One of the central findings of the Commission is that every child can learn. Yet clearly every child is not learning today. In order to achieve the higher standards proposed in this Framework, schools will have to do a far better job of teaching all students. The accountability provisions (Section VIII) will provide incentives for schools to do a better job, but they will not work unless schools have available methods and materials to

enable them to do a better job. Change depends on teachers teaching better, not on teachers teaching harder. The staff development processes called for in Section IV will be helpful in moving Chapter 1 schools toward more effective practices, but by themselves they beg the critical question: What works? What instructional methods, curricular approaches, materials, staff development methods, school organization plans, and other alterable features of school and classroom practice make a difference in student achievement and other outcomes? Without a base of knowledge about effective instructional strategies that teachers can integrate into their repertoires—and about organizational structures that support professional effectiveness—it is unlikely that responsible and effective innovation will take place.

The Commission understands that many educators have inadequate knowledge of effective practice. Although there is good research on some elements of effective practice, it is often overshadowed by false claims and slick marketing. Lacking the training to critically evaluate research findings and lacking the time and resources to sift through the research, many educators give up on trying to figure out what really works and instead rely on what's "in." The result, in the Commission's view, is rampant faddism, with educators rushing from one untested miracle to another.

The federal involvement in research and development (R&D) on effective programs has been minimal. Chapter 1/Title I has invested considerably in evaluation but has never supported development, assessment and diffusion of programs and practices designed to enhance student achievement in schools with high concentrations of poverty. The Department of Education, through its Office of Educational Research and Improvement (OERI), funds primarily academic research, not program development. For example, although almost all OERI funds are directed to labs and centers, the National Diffusion Network (NDN) list of effective programs contains only a handful of programs (out of more than 500) developed by labs or centers. The NDN is charged with certifying and then helping to disseminate effective programs, but its evaluation requirements are minimal and its funding to help disseminate its programs has been inadequate.

Section IX proposes new federal initiatives to address these problems and the unique research needs of educators of disadvantaged children. The Commission believes there is a critical need for the federal government to identify large numbers of programs and practices that have been well developed, well researched, and found to be effective, and then to ensure that these programs are readily available to Chapter 1 schools. Work to this end will support the school improvement and capacity-building efforts of states, local educational agencies and schools outlined in Section IV and should proceed on several fronts.

First, Chapter 1 should fund research on effective practices, including development and evaluation of specific programs and materials, staff development and school organization methods. The products of this R&D process would be both particular programs (e.g., reading programs like Reading Recovery and Success for All and whole-school approaches like those developed by Professors Henry Levin of Stanford University and James Comer of Yale University), as well as strategies relating to effective practice (e.g., information on how to integrate classroom and supportive services, how to recognize peer coaching to support adoption of an innovation, and how to use discovery in mathematics or Reciprocal Teaching in reading).

Second, Chapter 1 should fund third-party evaluations of promising programs and practices. This is perhaps the most important element of the overall R&D plan, as it is totally lacking today. Third-party evaluations would negotiate measures, designs, and procedures with developers and researchers, and would then conduct top-quality evaluations, comparing the achievement of students who experienced a given program or practice to that of similar students under traditional models. Developers would know the objectives to be assessed, but not the items. Programs and practices chosen to be evaluated would be ones whose developers had already done their own successful evaluations.

The outcome of these third-party evaluations would be a set of programs and practices capable, if properly implemented, of significantly enhancing student achievement. Most importantly, adopters could have faith in the evaluations and, therefore, in the programs. Such confidence would stimulate schools and local educational agencies to invest in the high-quality staff development, follow-up, and maintenance needed to assure they meet the new standards.

We recognize, however, that certifying better mousetraps in no way guarantees their use. Developers and researchers will also need funding to take their ideas from the pilot stage to disseminable form. Thus funds under this Section should be provided for videotapes, awareness and training manuals, building of regional training sites, and the establishment of "lighthouse" model schools for use in a comprehensive training plan. Moreover, it is essential that the word gets out about effective programs and practices for Chapter 1 schools. A related aspect of the overall R&D plan should be commissioning summaries of research on effective practices, reports on important findings, etc.. The Department might fund a research journal and a practitioner-oriented newsletter to communicate new developments in Chapter 1. Reports may also be written for parents and community members. This function would support and complement that of the State educational agencies under Section IV.

The Commission envisions the development of a strong Chapter 1 R&D infrastructure. In addition to the functions identified above, the R&D program should fund predoctoral and postdoctoral fellowships for talented young researchers to concentrate on the needs of impoverished schools. The need to attract the best minority students into this area of research is especially great. At present, very few talented students choose educational research as a profession, and fewer still choose applied research in schools serving disadvantaged students. This must change if R&D is to become a key focus of Chapter 1.

A final component of the R&D program would sponsor formative evaluation on the change process itself, including examination of the standard-setting, assessment, and enforcement systems required by this Framework.

Section (2) clarifies that this section contemplates an entirely new program to supplement, not supplant, research functions currently retained by the U.S. Department of Education, such as those of Policy Evaluation Services and the Office of Educational Research and Improvement (OERI). Nor is Section IX intended to fund routine data gathering and evaluation such as the Prospects studies. The one-percent set-aside is intended to be in addition to funds currently devoted to such purposes and to other OERI-sponsored research and evaluation.

PART IV

Supplemental Statements of the Members of the Commission on Chapter I

Supplemental Statement of Henry M. Levin

I am a great admirer of the ambitious program of the National Board of Professional Teaching Standards (NBPTS) Certification Program. However, I do not agree with the Commission's recommendation to provide a bonus of $2,500 a year per teacher who meets the NBPTS certification standard. The NBPTS is just in the process of establishing standards through contractual arrangements with researchers. At this time, we do not know what the standards will be, nor do we know how they will be implemented and whether or how they will be validated in terms of the needs of Chapter 1 students. The Commission has been very circumspect in its activities and has taken account of research in formulating its recommendations in all major areas but this one. In this case, it is asking the Congress to provide a bonus for criteria which are neither stipulated nor validated with respect to educational outcomes. If just 3 percent of the 3 million elementary and secondary teachers qualify, this will be a commitment of $250 million a year. If the number is more like 10-20 percent, the bill will be $800 million to $1.6 billion a year.

If the criteria that are set out are shown to be highly predictive of teacher effectiveness, this may ultimately be a commitment that is worth making. But at the present time, there are no validated criteria for teacher certification that have been shown to have a consistent and powerful effect on student achievement for Chapter 1 students. A system of bonuses for NBPTS certification should be delayed until it can be demonstrated that such certification has strong positive consequences for Chapter 1 students, rather than hoping that this will be the case in the absence of a demonstrable relation.

Supplemental Statement of George F. Madaus

I endorse in general the Commission for Chapter 1 Framework and Commentary. There is much in the document that should improve the educational experiences of poor children in general, and the Chapter 1 programs that serve these children in particular. I must, nonetheless, register my reservations regarding aspects of the sections on Assessment and Enforcement and their accompanying commentaries.

I endorse the language in the Assessment section aimed at empowering teachers to assess individual student progress and report this progress to parents; the language to use the National Assessment of Educational Progress (NAEP) for national evaluations of the effectiveness of Chapter 1; and the oversight function of the National Academy of Sciences. These recommendations are excellent and long overdue.

However, I feel that the Assessment section seriously underestimates the difficulty of using un-standardized (or standardized) performance, product, and portfolio techniques as the measurement technology of choice for State, district, and school-level evaluations of the effectiveness of Chapter 1. There are simply too many technical, practical, equity, and cost questions to which we do not have answers regarding the large-scale deployment of these new techniques in the policy sphere. This lacuna of information about the suggested assessment technology is particularly troublesome when

states are not precluded from census testing, thereby generating scores on individual children. (I would have less concern if all evaluations of the effectiveness of Chapter 1—national, State, district, and school—were based on sampling student performance, and assessments of individual children were left to their teachers, with auditing safeguards based on the evaluative information obtained through sampling.) I do not think it wise to predicate an essential ingredient of Chapter 1 on a measurement technology about which we know so little. Further, I feel that the language regarding State assessments in fact would result in a de facto national (quasi federal) examination system.

While the commentary section openly acknowledges the technical and related problems, it implies that such questions will eventually be answered and cites several projects as evidence that we are on the road to answering these critical questions. While we in fact may eventually solve these issues, I simply disagree that the projects cited to date have come to grips with solving the myriad of technical and other issues—particularly those relating to equity—associated with the deployment of the proposed alternative assessment technology; instead, these projects have only uncovered additional problems. Further, the language that precludes the use of alternative assessment technology by the states for promotion or graduation decisions about individuals does not go far enough; tracking and certification of mastery are not precluded. And, the prohibition itself implies that the generation of scores on individual children through census testing is acceptable. Many States will wish to use their State assessment programs of high-stakes decisions about individual students and hence opt for census testing; does the included prohibition language mean that such States will have to develop separate assessment systems for Chapter 1 if they choose to use their State assessment results for high-stakes decisions about students?

I also think that the language used in the Assessment and Enforcement sections is overly prescriptive when it specifies the number of points on the scoring scale (4), and the definition of growth expected by a school or district detailed in the enforcement section. These are details that must await the answers to questions about the assessment technology itself. Further, it is not advisable to preclude entirely the use of multiple-choice, norm-referenced tests as an evaluative tool in Chapter 1. (Indeed, the earlier endorsement of NAEP for federal-level evaluations stands in contradiction to this prohibition since the majority of NAEP items are of the multiple-choice variety, and NAEP is, in some of its features, norm-referenced.)

Finally, I feel that it is ill advised to mandate the formal assessment of all children at the first-grade level.

Supplemental Statement of Joe Nathan

Despite their skill and talent, many of the Nation's finest teachers become frustrated and cynical. Too often, those people, who know the challenges best and have developed ways to deal with them, are ignored by policymakers. While the Commission on Chapter 1's Framework and Commentary inclu des some good ideas, I think both the process and final report are flawed. I am willing to have my name attached and to sign the report, provided that these reservations are included and distributed.

I strongly agree with the concerns raised by George Madaus. He has given permission for my name to be added to his statement. What follows are a few additional comments.

It's ironic that the report's Foreword asserts, "The Commission decided that the only way to answer these questions [about reform] and put our ideas to the test was to subject ourselves to the discipline that members of Congress must undergo in drafting specific legislative language." In several important ways, the Commission was not nearly as open as Congress.

Several of us urged that before beginning to develop recommendations, the Commission hold hearings to talk with teachers, administrators, parents, and researchers around the country. This request was denied. We urged that the Commission meet with some outstanding evaluation authorities. Denied. We urged that the Commission visit some outstanding Chapter 1 schools to talk directly with those who are making a big difference in the lives of youngsters. Not possible.

When asked to join the Commission, I suggested that the group include several outstanding teachers and principals. This recommendation was not followed. Isn't it fascinating that the Commission's leadership could find a way to include three attorneys as members and employ two additional attorneys to meet regularly with the Commission, but would not include a single person who is presently a teacher or principal, working directly with students? Representatives from the National Education Association and American Federation of Teachers are important. So are central office administrators. But wouldn't our work have been enriched by also including folks who work day to day with students? I think the answer is "yes."

The central Framework of this report comes from the chair's work in Kentucky. For most people, it is too early to conclude whether this Framework will produce significant improvements in that State, much less whether it will work throughout the United States. Nevertheless, the Framework of the Commission's report, embodying these ideas, was distributed at one of our first meetings. Rather than approach the task with a blank slate, or consider several overall approaches, we were asked to react, respond, and modify.

Like other members of the Commission, my professional life has been committed to improving public education, especially for youngsters from low-income families. I strongly agree that virtually all youngsters, regardless of family background, can achieve much more than they are at present. Indeed, I helped develop and worked for seven years in an urban public school which was recognized by the U.S. Department of Education as "a carefully evaluated, proven innovation worthy of national replication."

However, I do not agree that young people from low-income families are well served by the process this Commission used or many of its recommendations.

The Commission proposes a testing and measurement system which is largely undeveloped, may not be reliable, and whose cost we can only guess at. Sounds like an educational "Star Wars" package to me. Many evaluation authorities share the Commission's commitment to youngsters from low-income families, but not its willingness to rely on tests and measures for school or district rewards and punishments. Several of us urged that the Commission talk with people such as Linda Darling-Hammond, Larry Cuban, Vito Perrone, or Ted Sizer before settling on recommendations in this and other areas. The Commission's leadership decided it was not necessary.

The Commission would have gained enormously from talking with award-winning educators, such as Deborah Meier of East Harlem or Rosanne Wood in Tallahassee, who've seen how carefully developed public school choice plans can help youngsters from low-income families. The Commission decided not to talk with these or similar people.

The Commission seems to assume there is a best kind of school which, given time and money, teachers, administrators, and parents will create. What is it? Where is it? We've been engaged in a "one best system" approach for much too long. It hasn't worked. I don't think it will.

We must do many things to produce significantly higher achievement among all our students. One of them is to provide educators and parents with the

opportunity to create distinctive public schools from which families may select. Well-developed school choice plans are not just punishments for ineffective schools and districts. They are opportunities: for educators, families, and students.

Minnesota's experience is that thousands of students who had dropped out of school came back and achieved much more because they had the option of attending a different kind of school. Thousands of youngsters around the country have had similar experiences. Choice played an important role in East Harlem; Cambridge, Massachusetts; and a dozen other places. It's no panacea, but then nothing is.

Numerous other concerns were raised and rejected. For example, why should we discriminate against youngsters from low-income families who live in middle-income areas. Many people have worked hard to get middle-class suburbs to accept low-income housing projects. The Commission recommends that Chapter 1 funds "be concentrated more heavily in schools with concentrations of children in poverty, where the needs are far greater than in low-concentration schools." This suggests a zero-sum game, with youngsters in some areas sacrificed to provide more funds for areas with large concentrations of children in poverty.

We should recommend that Chapter 1, along with Head Start, be fully funded. We should not sacrifice some to help others.

In 1985, I worked with our State's governor to develop a system that would have much more equitably funded districts, and relied much less on local property taxes. The country's dependence on local property taxes clearly is unjust and unwise. But the Commission, and ultimately young people, would have been better served by examining several ways to promote equalized funding, to consult widely with authorities on this subject. Once again, the Commission's leadership decided this was not necessary.

In these and other areas, the Commission could have done much better if it had been more open. Good intentions are not nearly enough.

Supplemental Statement of Delia Pompa, Paul Weckstein, Anne Wheelock, and Robert Witherspoon

The Framework proposes important, indeed critical, improvements in our Chapter 1 law. Thus, we are very pleased to join with our fellow Commissioners in issuing this proposal. In submitting our work for public comment, we wish to emphasize two of its aspects and to note our dissent from two others.

As a Commission, we have made it clear that the Framework must be understood as a whole; major pieces of it will produce positive results only if accompanied by others. Two facets of the Framework, in particular, should be recognized.

First, the enormous flexibility that comes from our elimination of virtually all requirements for targeting and tracking the use of funds within the school and for identifying some children as "Chapter 1" children can only be understood in connection with the school's schoolwide responsibilities and the rights of all students in that school. This flexibility is not a license to pick and choose which students' needs get addressed. As stated in the Mission and Findings, and as operationalized in the other sections, all children in the school are entitled to a program, including curriculum and teaching practices, effectively designed to enable them to achieve high levels of proficiency on the standards, and to assistance when they are having difficulty doing so. The school may meet this core educational mission through any number of ways of combining its regular funds and Chapter 1 funds, but its responsibility is to assist all students achieve profi-

ciency, in all grades and all subject areas, regardless of where the Chapter 1 funds are targeted. No child is expendable.

Second, and related to this, the State-level activities— in which State-developed assessments, of progress in certain grades on State-developed achievement standards, are used to trigger State-imposed rewards and sanctions—should not overshadow the local activities required by this Framework. The State-level enforcement system is essentially an outside check to deal with the really severe problems. As clearly stated in our Mission Statement, the task of the school is to provide to all students an educational program and assistance to master the standards developed for all children—not to figure out a way to get 5 percent more of the fourth graders to pass the State test, in order to avoid sanctions. That should be an essential by- product of the system, not its organizing principle.

The State-level system coexists with an ultimately more important set of local provisions that are also outcome-oriented, but in which the school is in compliance so long as it implements those requirements—including the requirements to address gaps in achievement which do not trigger the State sanction system. Schools must, through a participatory process: articulate and discuss the standards (including any supplemental local standards); decide on and implement curriculum, methods of instruction, and staff development practices that will help all students achieve proficiency in those standards; devise curriculum-based methods of assessing that proficiency; and use the results to make improvements when difficulties emerge in particular grades, subject areas, or for particular students. The relative brevity of these requirements should not mislead—the success of Chapter 1 depends upon schools carrying out these tasks effectively.

Not surprisingly in an effort of this scope, in agreeing on the overall Framework, there was not unanimity on all provisions. We would like to highlight a couple of areas of dissent.

First, while the parent information and resource centers are an important addition at the state level, the local-level parent empowerment section of this Framework will not work as written. A careful comparison will show that it is but a weakened version of the current law. When it doesn't work, we will have another self-fulfilling prophecy about how low-income parents cannot be expected to exercise a real role in program decision making or in oversight and enforcement. Instead, we should be learning from parents the obstacles to their full participation which they have faced under current law, and strengthening the law accordingly. Head Start is one obvious model which works much better, in no small part because it spells out real authority for parents. The problem is not local flexibility in structuring parent involvement, but the failure to empower parents, through their own organizations, to be full partners in deciding on that structure.

Second, despite the improvements we have made in the system for allocating funds, we have not addressed one major problem. Millions of children in relatively high-poverty schools will continue to go unserved because they are in districts where the overall poverty rate is even higher (while across the line, students in low-poverty schools will get served because their schools happen to have a higher poverty rate than their even lower poverty districts). The problem lies in our continuation of the rules under which money flows to school districts, which must then distribute the funds to the highest poverty schools within a district. This problem would be addressed by serving schools across the State in rank order of poverty—an option the majority has rejected, largely as politically infeasible. Yet we have failed to produce any other way of reaching these millions of students. Indeed, we have made the problem with the current rule—under which schools can be served if their proportion of low-income

children is either above the districtwide average or above 25 percent—even worse, excluding more schools, by raising the latter to 30 percent. In other parts of the Framework, we have wisely not let predictions about political reactions stop us from finding some way to meet the needs of children; we should not do so here.

Supplemental Statement of Sharon Robinson

When the Commission began its work almost two years ago, I was very committed to the objectives we established in the first few meetings. This Commission took on the task of drafting a new conception of Chapter 1 which would recast the program based on new knowledge about teaching practice, new understandings of the student population to be served, and a new standard of equity. We have come a long way toward meeting these ambitious objectives.

During our early deliberations, we agreed that Chapter 1 resources should be focused on strategies designed to overcome the impact of poverty on student achievement and that, to the extent possible, these resources should be targeted based on conditions of poverty. We also agreed that teaching practice in schools serving poor children should change from a deficit, remediation model to a model of student empowerment, based on applying the same standards of achievement for all students. In so doing, this program would provide another conception of equal educational opportunity—the right to be held to the same standard as more affluent students. In support of this objective, we agreed that the Chapter 1 program must be released from the perverse, bureaucratic accountability system that has evolved during the 25-year history of the program.

The Commission report addresses some of these concerns in a most commendable fashion. The clear bias in support of schoolwide improvement strategies is warranted by the contemporary experience with school restructuring and the professionalization of teaching. Further, the support for professional development is commendable. The Commission realizes that school practitioners will need the opportunity to learn before they can be expected to practice differently. Additionally, the Commission report notes the importance of strategies that enhance the involvement and advocacy of parents on behalf of student achievement. Again, the restructuring experience validates the contention that students benefit when parents and the broader community have the capacity to reinforce, support, and participate in school improvement efforts. Further, the Commission recognized that the old model of accountability using standardized tests and gain scores is bankrupt. It is clear that the Commission favors assessment of student learning that is keyed to high standards and integral to the instructional process. This break from arbitrary psychometric conventions is required by the philosophy that all students can learn.

Please be assured that I continue to support the concepts set forth above, and I will encourage their due consideration during the reauthorization process.

However, I also continue to take issue with the narrow approach to accountability set forth in the Commission report. Accountability is essential in any high-performing system, and it is essential that schools serving poor students become high-performing schools. The contemporary experience in restructuring schools now serving these students suggests that a powerful vision regarding student achievement, valid data regarding progress toward clear goals (standards), and the opportunity to change what is not working are the factors that fuel commitment to the educational needs of these students. The rewards are intrinsic and powerful. High expectations and high performance can flourish because all parties join to achieve a shared vision of student learning, not because they are seeking to avoid punishment.

It is premature and ill advised to advocate a high-stakes, outcomes-based accountability system just because we recommend substituting performance assessment for the traditional norm-referenced.

standardized tests. There is deep concern that much of the accountability and enforcement provisions rest on the use of assessments whose accountability functions are largely undeveloped and unproven. There is great faith that authentic performance-based assessment will be the antidote to the scourge of high-stakes, norm-referenced, standardized tests. But it is only faith.

I hope that we will use the reauthorization process to continue the discussion on the important issues of accountability and enforcement. The Congress will have the occasion to consider ideas from various sources, such as the New York Commission on Accountability, which has a proposal before the New York Board of Regents.

I sincerely thank my fellow Commissioners for the opportunity to consider and debate some very important ideas regarding the future of public education in this country. I am convinced that if we continue to be dedicated learners and advocates, we will move toward our shared vision of an educational system that works—really works—for all children.

Supplemental Statement of Bella Rosenberg

The report of the Commission on Chapter 1 offers valuable guidance for building on the strengths of Chapter 1, overcoming its weaknesses, and ensuring that poor children are prime beneficiaries of this Nation's growing emphasis on high academic, curricular and teaching standards as organizing principles for education reform and improvement. But I am also deeply troubled by key aspects of this report. Space permits only a skeletal exposition of my concerns and questions (and precludes noting my especial enthusiasms):

- The report enshrines in federal policy and national practice the Kentucky model of education reform. As promising as that model may be, there is not yet any evidence that it works. Prudence dictates tentativenes and openmindedness to the possibility that the new eight-part Framework for Chapter 1 may not be an all-or-nothing proposition.

- The new, performance-based assessment system that Chapter 1 would here drive and be driven by does not yet exist. And, despite the implication in this report, its arrival, at least in responsible form, is not imminent. I can find no evidence in this report or elsewhere that we know how to use what is essentially a classroom technology for large-scale accountability purposes. I hope we find out.

For these and other reasons, I concur with the comments of George Madaus about the Assessment and Enforcement sections. Additionally, I fail to understand how the Commission can be so confident about a set of experimental assessment techniques as to mandate it as the sole basis for draconian sanctions against school staff, yet simultaneously be so cautious—and rightfully so—as to preclude its use for student accountability. Indeed, student accountability is not even a fit subject for discussion in this report. (In sharp contrast, our successful competitors rely on it exclusively.) I cannot endorse a model of students as passive objects who learn or don't learn exclusively due to the efforts of teachers.

- I agree that accountability in Chapter 1 is currently a sham and endorse the use of school outcome measures as a signal that a school is in need of help by a team of experts. Such a team should be authorized to recommend sanctions against a school that continues to fail, including the total reorganization of that school. But an accountability/enforcement system is only as good and legitimate as the assessment system it is based on, and the one proposed here cannot yet be deemed to meet that test. (I also doubt that any assessment system will ever be so sound or

immune to abuse that human judgment can be dispensed with altogether. The stronger the accountability measures, the greater the need for balance between technical and human judgment.)

■ Partially because the reach of the assessment section exceeds its grasp, the definition of "adequate progress" that is at the "heart" of the accountability/enforcement process is at best arbitrary. Certainly it has no discernible empirical basis. Can we really say that a school that has reduced its percentage of "not proficient" children by 20 percent is out of compliance? That a school that has met the 5 percentage points "standard" for increasing its proportion of "proficient" and "advanced" students but has held steady on its proportion of "not proficient" students should be subject to stiff sanctions? I'd say instead we should cheer the staff and give them any additional help they want, and obviously know how to use, to do even better.

■ Many of the sanctions work to deliver urban districts into the hands of States, which have not been notable for their support of urban areas.

■ I fully concur that the inequities in State school finance systems are an outrage. Whether or not Chapter 1 is the appropriate vehicle for reforming such systems is a political question, but there's no question that it must be done. However, I cannot endorse the vision of school finance equalization contained in this report. Instead of pursuing a leveling-up strategy, it is crudely redistributive in ways that guarantee either chicanery or a political backlash that would defeat the goals of equity. Instead of ensuring that our poorest districts and schools get more, it would likely produce an intolerable kind of regression to the mean and further mediocrity. "Comparable services for comparable needs" also would keep an army of green-eye-shaded state bureaucrats employed for years and would require another army of federal bureaucrats and lawyers to check on their work. It is a prescription for not seeing school finance equity in even our children's lifetime. Finally, this conception of comparability is at its heart highly prescriptive. Instead of giving schools and districts their fair share of money and the flexibility to spend it according to the needs of their students, it tells them how money (and likely lesser amounts) should be spent: *X* number of administrators per district; *Y* experience, and so on. The approving citation in this report of the remedies in the *Rodriguez v. Los Angeles Unified School District* exacerbates my concerns about the likelihood of mechanistic, rigid, robbing-Peter-to-pay-and-still-shortchange-Paul outcomes.

■ Many of the recommendations stimulate the asexual reproduction of paperwork and bureaucrats and thus divert resources from direct services to children.

■ I applaud the Health and Social Services section. It does not, however, create or rationalize services for children, but merely mandates reports. It also gives local educational agencies (LEAs) a new and unfunded responsibility. And while it permits Chapter 1 funds to be used to hire staff to screen and refer children for services, it prescribes the use of such funds for direct services. Admittedly, Chapter 1 funds may now be spent only on education programs and activities. But this Framework recommends so many departures from current law that its conservatism here is disappointing.

Supplemental Statement of Anne Wheelock

Although the Framework proposes a variety of new tools, notably new assessments, for purposes of accountability, the document does not fully account for the potential of State educational agencies (SEAs), local educational agencies (LEAs), and schools to use new assessments in old ways. Of particular concern should be the potential use of assessments, given widespread tracking of students into courses of study according to levels of proficiency.

The proposed structure of the assessments, with specified proficiency levels, risks—even invites—school-level grouping of students that parallels defined proficiency levels. Should this occur, the assessments would fall short of accomplishing what the Commission has set out to accomplish, namely, the use of more complex assessment techniques tied to higher standards to leverage richer instruction and a curriculum designed to teach higher order skills to all students.

Some will argue that because assessments are intended to assess schools, not students, SEAs, LEAs, and/or schools will not be able to use assessments for this purpose. However, given the size of most schools and the size of the grades designated for assessment within schools, requirements that sampling procedures be adequate to measure school performance by race will result, in reality, in the testing of all students in that grade. Once proficiency information is available for each child, as it will be in most cases, the inclination to sort and track students will be strong and, perhaps, inevitable. In turn, sorting will undermine any earlier progress in closing the gaps between low- and high-achieving students and reduce the likelihood that gains will be lasting. This has, in fact, been the consequence for students who leave effective programs in their early years only to enter a mainstream where whole classes are grouped by ability and where they quickly lose ground.

Unless SEAs, LEAs, and schools are explicitly prohibited from tracking or whole-class ability grouping—which we already acknowledge as a harmful barrier to learning in the Findings— the assessments will not fulfill their desired purpose. The addition to Section VII(G)(3) of language prescribing the use of assessments by SEAs, LEAs, and schools for whole-class ability grouping or tracking (reinforced in the Commentary and footnote 16) would vastly strengthen this section. Indeed, we should explicitly declare tracking and whole-class ability grouping as simply not compatible with improving achievement and elimination of these practices as essential to protect the most vulnerable students.

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